

## WEST VIRGINIA.

William R. Brown to be postmaster at West Union, in the county of Doddridge and State of West Virginia.

## WISCONSIN.

Marilla Andrews to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

## EXTRADITION TREATY WITH PANAMA.

The injunction of secrecy was removed January 6, 1905, from a treaty between the United States and the Republic of Panama, for the mutual extradition of criminals, signed at Panama on May 5, 1904.

## EXTRADITION TREATY WITH SWEDEN AND NORWAY.

The injunction of secrecy was removed from an amendatory extradition treaty between the United States and Sweden and Norway, signed on December 10, 1904.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 6, 1905.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## ADJOURNMENT UNTIL MONDAY NEXT.

Mr. DALZELL. Mr. Speaker, I move that when the House adjourn to-day, it adjourn to meet on Monday next. The motion was agreed to.

## REGULATION OF STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I want to call the attention of the House to Senate bill 5306. The bill was reported from the Committee on the Merchant Marine and Fisheries. A question arose as to a point in the bill, and the committee directed me to request the return of the bill to the committee. I made the request, but by some means it did not reach the Journal of the House, at the conclusion of the session. I therefore now ask unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill, and that the bill and report be recommitted to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of a bill the title of which will be reported by the Clerk, and that the same be referred to the Committee on the Merchant Marine and Fisheries. The Clerk will read the title.

The Clerk read as follows:

A bill (S. 5306) to amend certain sections of Title LII of the Revised Statutes of the United States entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes.

The SPEAKER. Is there objection?

Mr. CLARK. Mr. Speaker, we were unable to hear the statement of the gentleman. We would like to know what he wishes to do with the bill.

Mr. GROSVENOR. I want it to go back to the Committee on the Merchant Marine and Fisheries for further examination in connection with certain matters which have transpired since the bill was reported out.

The SPEAKER. The Chair hears no objection, and it is so ordered.

## ORDER OF BUSINESS.

The SPEAKER. The Chair had a memorandum of two gentlemen on the Democratic side of the House, as he recollects, who desired to be recognized, each to call up a bill, and as the Chair recollects, a bridge bill. The Chair has lost his memorandum, and he calls attention to the matter and submits the request in the presence of the gentlemen. The Chair will recognize either or both.

Mr. LIND. Mr. Speaker, I have a bill, but it is not a bridge bill.

The SPEAKER. The gentleman from Minnesota.

## GULL RIVER LUMBER COMPANY.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute, acknowledge, and deliver, in the

name of the United States of America, to the Gull River Lumber Company, its assigns or successors in interest, a deed of quitclaim and release, quitclaiming and releasing all the right, title, and interest of the United States of America in and to the following real property, lying and being in the county of Cass, in the State of Minnesota, and described as follows: Lots 1, 2, 3, 4, and 5, sec. 20, T. 135 N., R. 29 W.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to hear some explanation.

Mr. LIND. Mr. Speaker, some years ago the Government planned to construct an additional reservoir in the northern part of our State. There are already two or three up the Mississippi, and this was called the Gull River Reservoir. In pursuance of that plan, it obtained conveyance of flowage rights from the settlers without compensation. The project has been abandoned, and this simply authorizes the Secretary of War—and it has the recommendation of the War Department—to reconvey the flowage rights that were granted under the original scheme, and only to reconvey in cases where no consideration was paid for it by the Government in the first instance. The bill has the approval of the War Department. I suppose the property is worth nothing to the Government or to anyone else except to the riparian owners. It is virtually a bill to clear the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the last vote was laid on the table.

## FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. And pending that motion I would like to fix the time for closing general debate.

Mr. LIVINGSTON. Mr. Speaker, the gentleman from Alabama [Mr. TAYLOR], the ranking member of the subcommittee, is not present. I would like to have an understanding with the gentleman in charge of the bill as to whether we shall have any discussion on the bill in the nature of general debate.

Mr. LITTAUER. Personally, I have had only one request for fifteen minutes. I think we could get along with a half an hour on each side.

Mr. LIVINGSTON. Does any gentleman on this side wish for time?

Mr. BAKER. I want a little time.

Mr. LIVINGSTON. How much does the gentleman want?

Mr. BAKER. Oh, you had better make it an hour.

Mr. LIVINGSTON. I think we had better make it an hour on each side. I have only one request for time.

Mr. LITTAUER. Will not half an hour on each side be sufficient?

Mr. BAKER. I will withdraw my request.

Mr. LIVINGSTON. Then we will make it a half hour on each side.

The SPEAKER. Is there objection to half an hour for general debate on each side on the bill? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. LITTAUER was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. BOUTELL in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. LITTAUER. Mr. Chairman, this bill as submitted to the House carries appropriation of \$6,747,893. About one-third of that amount, \$2,000,000, is for the repair, preservation, and modernizing of our seacoast defense plant, of gun and mortar batteries and their armament. About one-quarter of the amount, \$1,555,000, is for range and position finders and the system of fire control; \$700,000 is for submarine defense; \$200,000 for searchlights; \$800,000 for ammunition for seacoast guns, for practice and for reserve supply. Then come items amounting to \$1,800,000, which do not appropriately belong to seacoast fortification; \$877,000 for artillery, to be used by armies in the

field, with ammunition for practice and for reserve supply, and finally the item of \$936,000 for fortification of our insular possessions.

While this bill carries appropriations of \$770,300 less than the fortification appropriation bill of last session, yet we have appropriated \$513,000 more for submarine defense and \$275,000 more for range and position finders. While on the other hand last year we appropriated \$800,000 for the purchase of new sites and erection of new batteries, while this year we submit no appropriation whatever for these purposes. Again, last year we appropriated \$1,210,000 for guns for seacoast fortification, while this bill carries but \$182,000 for that purpose. Now, Mr. Chairman, these figures merit the attention and careful consideration of the committee.

Mr. LIVINGSTON. Mr. Chairman, before the gentleman leaves that line of thought, I will ask him to indicate to the House where the cut comes between the estimate and the appropriation? Does it come on the Atlantic coast, the Pacific coast, or where does it come—nearly four millions of money? I will state that the members on this side of the House are interested in that question.

Mr. LITTAUER. The amount recommended for expenditure by the engineers, which includes the building of emplacements, fortifications, and all material connected therewith, is \$532,600 less than the estimates. The recommendation for the artillery is \$687,000 less than the estimates. Then we appropriate for fire control installation \$651,852 less than recommended. When we reached the subject of insular fortification we cut the recommendations from the estimates \$1,675,000.

Mr. LIVINGSTON. In which colony does that appear?

Mr. LITTAUER. The gentleman will have to help me out in his designation of "colonies."

Mr. LIVINGSTON. I mean insular possessions.

Mr. LITTAUER. The specific appropriations are shown in the report, toward the end of page 4.

Now, Mr. Chairman, the figures that I have given mark the beginning of a new plan and a departure from the progressive installation of the Endicott scheme for the defense of our harbors, which was inaugurated in 1889, and toward which during the next seven years twenty-two and one-half millions of dollars were expended, while during the last nine years ninety millions of dollars have been appropriated, and this includes \$35,800,000 voted in the Fifty-fifth Congress—at the outbreak of and during the war with Spain.

The former Secretary of War, in his report for 1903, estimated that to complete this scheme, including barracks and quarters, would cost \$50,852,694, while his successor, the present Secretary of War, in the report for 1904, makes his estimate \$65,346,082. The magnitude of these figures demanded a thorough and comprehensive reexamination of the entire scheme, and your committee advises that further progress in installation now cease, because the complement of heavy guns is nearly complete, while the provision for rapid-fire guns has been about one-half completed. The Endicott scheme for the fortification of our harbors, thirty-one in all, provided for 364 guns of largest caliber, 8, 10, and 12 inch, of which 334, or 91 per cent, are already emplaced or provided for. It also provided for 524 12-inch mortars, and of these 376, or 71 per cent, are already emplaced or provided for; and, in addition, 1,296 rapid-fire guns, of which 587, or 45 per cent, are in like condition.

Now, with these facts before us, and with the positive assurance that the chief harbors of our country have, mounted in their fortifications and ready for use, guns and mortars sufficient to offer an effective defense against any attack from the sea, and cause any thoughtful naval commander, who had not ships to lose, to hesitate before approaching our harbors, your committee has reached the conclusion that it is now time to call a halt in the Endicott scheme, stop any additional installations whatever, and devote our energies as represented by appropriations to thorough utilization of what we already have installed.

This bill is based upon that policy. In following out that determination—to put what we already have in most efficient shape—we begin with the gun emplacements, and, instead of building additional ones, as we have been doing year after year, we begin to modernize those we already have. Bear in mind that when this scheme was originated a proper service for heavy guns was supposed to be that they could be fired once in every five or eight minutes; but the development of the battle ship and the armored cruiser, along the line of an enormous supply of rapid-fire artillery, made it necessary to greatly increase the rapidity of fire on land. This contingency was met with improved gun construction, with improved disappearing carriages, and with smokeless powder, which had not even been invented at the time this scheme was inaugurated. So that to-day our great guns can be fired almost as rapidly as what were formerly termed "rapid-fire guns."

We have demonstrated that we can fire them accurately at least once every minute, and, at times, every forty-five seconds. Now, in connection with such rapidity of firing, there must necessarily come many accessories in the batteries and emplacements. The magazines must be of greater capacity to hold the larger amount of powder and projectiles, and they must be proof against dampness, in order to preserve the smokeless powder. The gun platforms must be larger, in order to handle the greater amount of material. The means of handling these great projectiles, weighing 800 and 1,000 pounds, from the magazines to the firing platform must be improved. Formerly this was done by crane and hand power, but now electrically operated, continually running belt hoists are needed to do the work. An estimate has been made of the cost of modernizing these emplacements, which would amount to some nine hundred and odd thousand dollars. We have recommended an appropriation to begin this work in this bill of \$450,000.

Next we come to the guns, and again, instead of providing amply for a large manufacture of new guns, we appropriate half a million dollars to improve and modernize the older and earlier built guns to bring them up to the point of efficiency of those latest made. It is estimated that it will take three years of like appropriations to complete the work, if, fortunately, in the meantime we may not be able to devise new means of still further increasing the efficiency of these guns, for we are very fortunate, indeed, in that not a single one of the guns in our seacoast forts has as yet become obsolete; we have been able to add improved equipment to each one of them, so as to make them quite as efficient as those of the latest and newest designs.

Next we proceed to searchlights, and there we increase the usual annual appropriation by one-third, realizing that guns at night are practically useless without the aid of searchlights, and that this has been emphasized greatly in recent experience.

Now we have two great lessons from the experience of the Japanese and the Russians on the seacoast side of Port Arthur, from the standpoint of coast fortifications. First, in the sea, the demonstrated effectiveness of submarine mines, and, second, from the land side, the practical uselessness of guns of long range without a proper system of direction and fire control. The Japanese gun fire, if I am properly informed, has sunk only two ships of large size, while the Russians have lost seven battle ships, nineteen cruisers, and thirty-six torpedo boats and torpedo-boat destroyers. This is a unique experience, and bears testimony to the great efficiency of submarine mines. Then, from the land side, not a single Japanese vessel has succumbed to the fire of the long-range guns in the fortifications of the harbor at Port Arthur, despite the fact that the Japanese fleet continually maneuvered within the range of these guns, thus proving that shots are simply wasted when directed against vessels at a longer range than 2 miles, unless the fire be controlled by a proper system of range finders and fire control. The value of submarine defense, properly known as the first line of defense against attack from the sea, is nowhere in the world so important as in our own country, because of its immense coast line and numerous harbors.

Moreover, our military policy, which provides only for a skeleton army, to be filled in by militia and volunteers at the outbreak of war, makes it indispensable that we should organize our forces in such a way as to gain time and prevent sudden attack at the outbreak of war. We ought, therefore, to continually provide for an effective submarine defense to secure to us this precious time to prepare in other directions. Now, until recently your committee has been informed by the engineers, who formerly had control of our submarine defenses, that they were amply provided for, and could be effectively laid down within ten days of any emergency, and that they were so laid down within ten days at the outbreak of the Spanish war.

This year we are confronted by the able report of a member of the General Staff who has investigated this subject, and who declares that our harbors are literally unprovided with submarine defense—that not a single harbor in the United States has mine material at hand to lay down an effective defense within the time called for by usual war conditions. The army reorganization act placed the control and care of submarine defense in the hands of the artillery, and the Secretary of War has ordered formed the torpedo board for this purpose. That board concurred in that opinion, so that your committee was led to conclude that our submarine-mine equipment was far from complete and that it was our duty properly to provide for deficiencies, lest this necessary element of defense might either fail or become practically useless in time of emergency. The torpedo board, at the order of the General Staff, has made a detailed estimate of what it will cost to supplement the ma-



terial we have to provide for a complete submarine defense. It estimates that that equipment will cost, for all the harbors of the United States, \$2,634,276, to which must be added \$1,185,144 to provide the submarine defense designed to be laid in the eastern entrance of Long Island Sound—a total of \$3,819,000. Now, if that estimate of less than \$4,000,000 is in any way approximately correct, the amount sinks into insignificance when compared with the value of a single battle ship, which costs twice as much, particularly so when we reason that this submarine defense is a guaranty of safety not only for the protection for the thousands of millions of dollars' worth of property in our harbors, but it will enable our powerful and costly Navy to go forth to perform its proper work on the seas, confident that every harbor on our coast is secure against sudden attack. For this submarine defense we have recommended \$700,000, the entire amount estimated, which will complete the equipment in about five or six years.

Mr. MANN. Do they remain equipped?

Mr. LITTAUER. The material can be so stored as to practically remain good for from twenty to fifty years; we have had no great experience. The suggestion has called to my mind another matter, and that is in time of peace we can procure this equipment economically, but to wait until the outbreak of war, when people become stampeded at the vaguest prospect of attack, as was the case at the outbreak of the Spanish war, and then to rush into wasteful expenditure, as we did then, will prove false economy, for we have learned very thoroughly that what we need for submarine defense can not be had at short notice.

The next subject to which I will call your attention is the range and position finding equipment and fire-control system that we have developed. Our artillery has devised a system of this kind which is unequalled in the world. It is based on long horizontal lines, sighting the angles of ships, reporting them to a central station by telephone or telautograph, where the direction of the gun is given to the men behind the guns. It is so accurate that effective shots are continually fired from guns and mortars, some when the target representing the ship can not be seen by the gun crews. It has proven that we can discharge effectively our great guns at an extreme range up to 6 miles, while without this position-finding and fire-control system shots at a longer range than 2 miles are practically useless and thrown away. It adds a great advantage to the land gun over the gun on the battle ship. We have appropriated a large sum for the general installation of these range and fire control systems—something like \$1,555,000—about the same as we appropriated last year. It is a matter that must grow progressively on year after year. The system has been fully tested and fully approved. The Board of Ordnance and Fortification report that they know of no object for which money can be more effectively expended, or from which greater benefit can be derived. General Storey, the Chief of Artillery, states that to double our armament would not increase the effectiveness of our defense as much as would the complete installation of the approved position finding of guns already mounted.

Next we come to the recommendation in connection with insular fortifications. In conformity with oft-repeated recommendation by the Secretary of War, we began last year to make appropriations for insular fortification. We appropriated \$1,318,000 for a beginning. Your committee, after much consideration, determined that we should spend a like amount during the coming year. We appropriate specifically \$936,000 and then authorize the transfer of \$380,000 worth of surplus guns that we have on hand, so that the total appropriation is within a couple of thousand dollars of what it was last year. There has been no complete project for insular fortification yet developed. Its necessity is obvious, particularly at harbors where there are naval stations. There have been suggestions that we ought to have a second board for insular fortifications similar to the Endicott Board. We have made plans for emergency emplacements at practically all the larger harbors, and surveys have gone on at even some of the smaller harbors like Iloilo and Cebu.

The appropriation of last year was spent entirely, or will be spent entirely, at Subig Bay and Manila. The design is, in the estimates of this year, that whatever we will appropriate will be spent at the same place in connection with a moderate amount at Guantanamo. We omitted Hawaii for this reason. The estimate was \$526,000 for the sites needed for emplacements. We gave \$200,000 last year. Part of the sites were purchased. The engineers stated that if we gave them money this year they would do no fortifying, but would simply buy more land. And in the spirit of what we believed to be proper economy, and to give them opportunity to let the price of the land go down, we thought we would defer appropriation for more land until we are ready to begin fortification.

Now, I think, Mr. Chairman, that that completes what I have to say about the bill. [Applause.]

Mr. ROBINSON of Indiana. I have never charged the committee with dereliction of duty, but I have understood that the Bureau of Ordnance and Construction, under a misinterpretation of Congressional enactment, have gone to such wild ventures in the building or promoting engines of war that they have permitted, to the extent of \$100,000, the building of a Langley air ship. I want to ask the gentleman from New York [Mr. LITTAUER] whether the committee has directed any appropriation to that Bureau of Ordnance and Fortification, or whether the Department has taken any stand with reference to any further expenditure upon that line?

Mr. LITTAUER. I will say to the gentleman from Indiana he might properly ask the Board of Ordnance and Fortification, the professional advisers of this House, with reference to these technical matters.

Mr. ROBINSON of Indiana. Will the gentleman then, as the professional adviser of the committee of the House, state what has been the policy adopted recently, and if it includes anything new with reference to the expenditure for the Langley air ship?

Mr. LITTAUER. All I can say to you is that the Board, on March 3, 1904, reported that they were not prepared to make an additional recommendation at this time for conducting the work on the Langley aerodrome. I would also say that we reduced the usual recommendation of appropriation for the Board of Ordnance and Fortification from \$100,000, where it has stood for many years, to \$10,000, because we found that they had an unexpended and unallotted balance of \$216,000 on hand July 1, 1904.

Mr. ROBINSON of Indiana. Well, I think the gentleman has fully explained the proposition. I am glad that he is protecting the public from such a fantastic expenditure.

The CHAIRMAN. The gentleman from New York has six minutes of his time remaining.

Mr. LITTAUER. I reserve the balance of my time.

Mr. LIVINGSTON. I have no application for time.

Mr. BAKER. I wish the gentleman would yield to me.

Mr. LIVINGSTON. How much time does the gentleman want?

Mr. BAKER. About ten minutes.

Mr. LIVINGSTON. I yield ten minutes to the gentleman from New York.

Mr. BAKER. Mr. Chairman, I would like to ask the chairman of the subcommittee having charge of this bill a question before I make one or two remarks. As understood, in response to a question of the gentleman from Indiana [Mr. ROBINSON], he said that certain army officers were the technical advisers of this House. When did this House select these technical advisers? And if this House never selected them, how can they be called advisers of a body that had nothing to do with their selection?

Mr. LITTAUER. I will refer the gentleman to the legislation which formed this Board of Ordnance and Fortifications, which makes them practically, as I stated they were, the advisers on all technical matters in connection with ordnance and fortifications.

Mr. BAKER. Did the legislation to which the gentleman refers me provide who was to constitute this Board? Were they appointed by this House?

Mr. LITTAUER. It provided how the Board was to be constituted.

Mr. BAKER. Were they appointed by this House?

Mr. LITTAUER. They were not.

Mr. BAKER. Then how can they be called the technical advisers of this House when this House never selected them? [Laughter and applause.]

Mr. LITTAUER. I believe the legislation specifically provided that they shall be the Chief of Ordnance, the Chief of Engineers, and the Chief of Artillery.

Mr. BAKER. They are not selected, then, by this House?

Mr. Chairman, on yesterday it will be remembered that the gentleman from Missouri [Mr. CLARK] endeavored to obtain explicit information as to when this bill would come up for discussion in this House, and he failed to obtain that information. The reply of the chairman of the subcommittee having charge of the bill, evasively, was, "As soon as I can get an opportunity to be heard." The gentleman from Missouri [Mr. CLARK] then pressed his request for more definite information, and Mr. LITTAUER replied that he would either bring it up to-morrow or on next Tuesday.

Now, Mr. Chairman, I want to enter my protest here and now against legislation being enacted in this manner. I do not speak now against the bill particularly, but am protesting against your present methods of legislating, which in effect



require that men be here and be in their seats every moment primed and fortified all the time with all available data on bills on which they wish to speak; that they have got to have their data constantly with them, as such a bill as this may be called up without their having any foreknowledge that it is to be considered.

Now, I have taken pains to collect some data bearing upon this subject. That data is not available here to-day. We have not for the House any office building like the Senate has, and therefore it is not possible for me to have this data easily at hand, where it could be obtained. That data is at the other end of the city, and therefore I am unable to make such a criticism of this bill as I would offer if I had that data. I say it is a crying shame and disgrace that the rules of this House are so made as to permit such a condition to exist. As to all legislation of a general character the Members of this House should know one or more days in advance that it is coming up for action so that they can be prepared to discuss it. I was unable even to obtain a copy of the bill until after the gentleman having it in charge [Mr. LITTAUER] had commenced to speak on it.

I came to the Capitol this morning with the expectation of attending a meeting of the Committee on the Judiciary, to which my resolutions asking the Attorney-General what steps, if any, have been taken to prosecute the Secretary of the Navy for having, when vice-president of the Santa Fe Railroad, granted a secret rebate to the Colorado Fuel and Iron Company, has been referred, which I desired to discuss before that committee. I came prepared on that subject, but I did not come prepared on this subject, as I might have been prepared if I had known that it was to come up to-day. The Committee on the Judiciary, however, held no meeting, although it is the day regularly appointed for its meetings. Having no knowledge that this bill was coming up to-day until the session commenced, I am not as fully prepared to discuss it as I desired to be. I say that legislation ought not to be enacted in this way.

Now, as to the merits of the bill itself. Constant pleas are being made here for these tremendous expenditures. In the report of this committee one of the arguments made for this appropriation is that during some prior Congresses large sums of money were appropriated; therefore it is necessary to go on with that policy. What a puerile plea! We make precedent a fetish to be worshiped. Because a previous Congress laid a heavy burden of useless expenditures on the people, why we must do likewise. We are told in the report that of the \$90,000,000 expended for fortifications since 1889, \$68,000,000 of that amount has been expended within the last nine years; and that is given as a reason for further expenditures. There seems to be an utter lack of disposition, an utter lack of intent, on the part of the administration of the Government of this country, as represented on this floor as well as at the White House—an utter lack of desire or intent to take the first step, to make the first move, to do the slightest thing, which will promote peace among the nations of the world. No! We must always be spending money in competition with other great nations.

We are told that this and that great nation has expended enormous sums of money and therefore we must do the same. No expression of horror, not one word of detestation of the fearful results that spring from such policies as this. Oh, no! Humanity has no consideration upon this floor. It is only some man with epaulets, the man behind the gun, who is extolled; but the men, the women, and the children who suffer from the policy of these tremendous warlike expenditures that inevitably result in friction between nations—not one word is said in their behalf, and no disposition or intent is shown to bring about a change in this fearful competition for warlike supremacy among the great nations of the world.

Mr. LIVINGSTON. The gentleman is preaching a sermon from the text "Blessed are the peacemakers."

Mr. BAKER. No; I do not care about quoting Scripture. When men come here having their minds made up that they are going to engage in such practices as these, no Scripture quotations will have any effect upon them. When they are led by the man who worships war, who wants to hold himself up in the United States as the equal, as the counterpart, of William II, the great war god; when an Administration is dominated by such a spirit as that it would be farcical to make Scriptural quotations; it is almost useless to suggest anything in the interest of peace.

Mr. Chairman, a great deal has been said here to-day about the "utility" of certain instruments of human destruction. Does anybody care that 800 human souls went down in the harbor of Port Arthur as the result of one little torpedo or one little submarine boat getting under the *Petropavlovsk*?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I yield to the gentleman five minutes more.

A MEMBER. Give him all the rope he wants.

Mr. BAKER. "Give him all the rope he wants and he will hang himself." That is the sentiment. [Laughter.]

Mr. GAINES of Tennessee. You will not kill anybody, will you?

Mr. BAKER. I would like to prevent this House taking any steps to kill people. Let me say that the fact of my not being elected to the Fifty-ninth Congress has no influence and no effect upon my position here to-day. Had I been reelected I should have said what I say now. I said it last year only a short time in advance of the Congressional elections, and I want to say to you gentlemen who seem to believe that you have got to fall down and worship this god of war that in my judgment the fact that my opponent and the whole Republican organization of Kings County made a particular drive against me because I dared to raise my voice upon this floor in behalf of peace and against extravagant, useless, and wasteful warlike expenditures—I do not believe that fact lost me one vote; that is, the aggregate loss to myself was not one vote. I met that issue then, and I will meet it anywhere; in fact, I mailed to several thousand of my constituents a copy of a speech I delivered at the Lake Mohonk Arbitration Conference in June last. I wish more moral courage was displayed on this subject by the Members of this House. I wish the Democrats here would get up and show to the nation that we are opposed to these extravagant war appropriations. I say it is the duty of the minority to use every parliamentary device at their command to block all such legislation. The moral duty is upon every Democrat to do what he can to prevent the Republican party continuing this policy.

Only in to-day's papers we are told that what is called the "pride of the Russian navy" has grounded on a rock and has sunk, it is believed, with all on board, off the island of Madagascar. The people of this country and the people of the great nations of the world have had their eyes for months centered upon the titanic struggle going on between those two nations and we are told that because Japan and Russia are fighting, therefore we must expend more millions of dollars in order to get ready for fighting. But I want to call the attention of those who worship this idol of war to the fact that in the one so-called civilized country where autocracy rules, in the country where it has been heretofore almost impossible to find any man to stand with that greatest of all Russians, Count Leo Tolstoi, and raise his voice against such a shameful waste of the people's money and such a fearful waste of human lives, right in Russia within the last ten days a great meeting has been held in the old city of Moscow, in the heart of that great Empire, and 766 representative men voted in favor of a resolution and only 7 against it, declaring that the war between Russia and Japan was a monstrous, cruel, and wasteful war, and expressing their opinion that it ought to be brought to an end at the earliest possible moment.

These are the resolutions:

[From the New York Times, Thursday, December 29.]

RUSSIAN LIBERALS DEFY GOVERNMENT'S WARNING—MUCH EXCITEMENT IN MOSCOW, AND OUTBREAK IS FEARED—DEMAND THAT WAR BE ENDED—RESOLUTIONS PASSED AT BANQUET.

ST. PETERSBURG, December 28.

It is evident from the reports received from the interior that the fairly good impression produced by the imperial manifesto on the subject of reforms may be more than offset in many places by the effect of the Government's note of warning to the Zemstvos.

Private reports from Moscow indicate that much excitement prevails there, and the gravest fears are expressed that the ancient capital of Russia will be the scene of bloody excesses.

The banquet held there on the occasion of the anniversary of the revolution of 1825 was stopped by order of the police at 3 o'clock this morning. Among those present were popular writers, professors of the university, the mining school, and the technological institute, editors, and Socialist workmen. M. E. Kedrine, a well-known lawyer and member of the St. Petersburg municipality, presided. A resolution, which was carried by 766 to 7 votes, after many perfunctory speeches, was as follows:

"In view of the horrors of the war, which is devoid of sense, and in view also of the enormous sacrifices and ruin in which the country is being involved, we, representing the liberal professions and working classes, protest against the war into which the Government dragged the nation without consideration for the opinions or interests of the Russian people, and we express our profound belief that only the nation itself can save Russia from her difficulties through free representatives of the people elected by secret ballot on the principle of equal rights.

"Our motto is peace and freedom."

Mr. Chairman, in order to clear my skirts of the infamy of our part in this constant competition of strife between nations, in order that I may clear my skirts of responsibility for these things, I enter a protest against the enormous sum appropriated by this bill.



That I have not attempted to hide my views on this subject is not only proven by my circulating a speech at Lake Mohonk, which I shall incorporate in my remarks to-day, but is also shown in an article I contributed to the Hebrew Standard, a leading Jewish paper in New York, and which I also include.

But the chief reason why I desire to incorporate here the Lake Mohonk speech is because I wish the country to appreciate the absurdity of Members of this House forming an inter-parliamentary union for peace and then voting, as you do in this bill, extravagant appropriations to "fit" us for war.

#### ARE YOU FOR PEACE OR WAR?

[Speech of Congressman ROBERT BAKER at Lake Mohonk Conference on International Arbitration, Lake Mohonk, June 1, 1904. From Tenth Annual Report of the Lake Mohonk Arbitration Conference, 1904.]

I have frequently asked myself why it is that the idea which is the basis for this conference, which, for a number of years, has seemed to have a large following among the more highly intellectual people of the United States, as well as of the leading European nations, should make so little apparent progress.

We have just listened with a great deal of pleasure to the report of Doctor Trueblood; we have noted the interesting events which he has related, which appear to be, and I think really are, indicative of considerable progress toward our ultimate object, universal peace. But at the same time we ought to look at the other side of the picture. I believe that the other side of the picture exists to a very considerable degree just because such gatherings as this, just because the kind of people who are gathered here to-day, do not attempt to lay out a consistent course toward this idea. They pray for international peace, but do they pray for domestic peace? Now, that may seem a foolish question to many, but it is impossible to get the American people generally to take more interest in the affairs of their country with the other nations of the world than they do with the affairs of each with the other. And, until the intellectual class, such as are gathered here, are prepared to, and do, frown upon every act of their officials, every act of their representatives, every act of their legislative bodies, which makes for domestic war, you can not hope to make any large advance toward international peace.

Now, what do I mean? Just to give point to a matter that has been referred to by one of the speakers here this morning. We have been told of the formation during the recent session of Congress of an American group of the Interparliamentary Union.

Mr. SMILEY. Mr. BAKER is a member of that group.

Mr. BAKER. That is true, but that is not what I was going to speak of. We have also heard it stated, and that is significant and very important, it seems to me, that at this same session only two votes were recorded in Congress, not against a navy, not even against large appropriations, but against an appropriation for two more battle ships. And I was not one of those two, not because I would not have been one of the two, or rather made it three, had I been there, but it happened that at the time I was at home sick. There were some forty-odd Members of Congress present at the meeting in January when the American group of the Interparliamentary Union was formed. It is certainly not probable that when some sixty days subsequently that vote was taken as to whether we should go on and appropriate some \$11,000,000 for those two new battle ships, there were none of those forty-odd Members present other than the two who voted against the appropriation. Now, I say it is farcical for men to come together, form themselves into an organization, and say they wish the American nation to be a leader for international peace, and then go into the halls of Congress and vote \$97,000,000 for a big navy. [Applause.]

But more than that. Not one voice except my own was raised in Congress against an immense appropriation for the Army. Not one. An army which no one can pretend—I do not care who the man may be that talks about the "necessity" of war—no one can seriously pretend that we need an army for national defense. We occupy a unique, unassailable geographical position, and the wildest and most fantastic devotee of war can not conceive of any combination of countries being formed that could make a successful attack upon this country unless we deliberately throw the gauntlet down to practically every one of the European nations.

Here we had appropriations of \$97,000,000 for the Navy, \$70,000,000 to \$80,000,000 for the Army, \$7,000,000 for fortifications, and so on, and yet only three members of the group raise their voices against this fearful waste of the people's money, and the far more wasteful expenditure of the mental energies of the country that is involved in the people looking for causes or excuses for war, when they ought to be, and would otherwise be, directed, as Doctor Leipziger has said, toward education. Why is this? It is because the members of the Interparliamentary Union, and, I fear, many of those here assembled, look at this matter as a dilettante measure. Let us be consistent. If we really favor peace, let us be in favor of it from the 1st of January until the 31st of December, and not alone on those occasions when some great international event is transpiring. Only last week I saw, within ten blocks of each other, two immense armories, gigantic forts, being erected in the city of New York, one occupying almost all of a big block, which, I suppose, is to cost a million or so of dollars. Let us say that this enormous waste now going on every year in this State shall cease. How can the American people, the great mass of the people, ever be successfully appealed to, when told that peace is desirable, when right in their midst you who are of the intellectual people of the United States encourage your members of assembly to vote millions for the erection of such absolutely useless buildings as these armories [applause], while your Congressmen vote hundreds of millions annually for a big navy and a great army? Are you in favor of peace, or are you not? That is the question.

[From the Johnstown, Pa., Democrat.]

CIVILIZED NATIONS UNCIVILIZED—CONGRESSMAN BAKER ADVOCATES EQUAL RIGHTS FOR ALL, IRRESPECTIVE OF RELIGIOUS BELIEFS, AND IN FORCEFUL MANNER DEPRECATES THE HORRORS OF WAR AND THE INSINCERITY OF NATIONS.

In the Hebrew Standard, Hon. ROBERT BAKER, prominent New York Congressman, says:

The treatment of the Jews by certain of the so-called civilized nations of Europe shows how far they yet are from real civilization. Civilization in truth has been confronted by no more powerful barrier than the

passions that for centuries have been aroused and inflamed by appeals to religious prejudices.

That these appeals have been made in the name of the Lowly Nazarene proves that instead of being permeated by his doctrines, animated by his ideals, these nations have been rendering mere lip service, and have adopted those doctrines as a cloak under which the better to incite men to war upon their fellow-men, thus perverting and prostituting to the vilest ends the ennobling and uplifting teachings of Him who said "Blessed are the peacemakers."

For myself, I abhor beyond expression those who foment race hatred of whatever kind, but especially am I unable to conceive how any rational and well-disposed mind can fail to reprobate and condemn in the strongest terms the fomenting of religious hatred. Here, at least, where existence is due to an unquenchable love of liberty, men should not merely abstain from acts which reflect upon the religious beliefs of their fellows, but should insist that no discrimination shall ever be made on such grounds. If the spirit of liberty, the love of justice and of humanity really animated us as a nation; if the greed of gain were not so constantly in our minds, we would demand the removal of every restriction or impediment preventing anyone on account of his religion receiving the same treatment or exercising the same rights allowed to others.

An Administration—I care not whether it be Democratic or Republican—which does not demand that the same treatment be given and the same rights accorded to Jews as to those of other religious beliefs falls in one of its most important functions.

My views of the horrors of war are probably understood. I would not advocate any step in the remotest degree liable to embroil this country in war. There are other ways of inducing a foreign nation to accede to any reasonable demand. If this country is justified, which I do not admit, in erecting an artificial barrier to commerce—commerce, the world's most potent peacemaker—in the form of a tariff wall, and then intimating that it will remove certain parts of that wall—knock out a brick here and there—if some other nation will reduce its duties on certain articles manufactured here, surely there is far higher justification for removing those duties if that other nation will agree to cease its discrimination against some of our citizens on account of their religious beliefs. We are not too prone to elevate the material above the ethical. Material prosperity is desirable, but liberty, justice, and fraternity among all the people of the earth are still more desirable.

Why can not we say: We are willing to trade with you. We are willing to exchange the product of our mills, mines, and farms for things you people produce or manufacture, but we owe a duty to our citizens to see that none of them are discriminated against by you on account of their religion. Therefore, the first requisite of trade with us is, that no citizen of this Republic shall be denied, when entering your territory, the privileges extended by you to other foreign citizens. We therefore insist that there shall be no discrimination shown in the issuance of passports because of the religious beliefs of the applicants.

I submit that if our country should make some such proposition as this it would show a willingness to at least remove the beam from its own eye before offering its service to its brother, and would show that we could place ethical above material considerations.

Mr. Chairman, I hope to live to see the day when even such expenditures as this will have to be submitted to a referendum vote of the people. As matters are carried on to-day no one can tell what proportion of the people favor these wasteful, if not criminal, expenditures. The interests that profit either through contracts, or, as in the case of the Philippines, by exploiting the inhabitants through the possession of its special privileges, are always active in fomenting the demand for war and for warlike preparations. No one can tell whether the people thus influenced constitute 5, 15, or 50 per cent of the people, while those who are opposed to war have the disadvantage which always attaches to the negative side, of finding it difficult to secure a hearing. Even if the peace lovers constitute 90 per cent of the people, the remaining 10 per cent may make so much noise, beat tom-toms so loudly, and in other ways become so assertive as to convey the impression that they constitute the majority and not those whose motto is "Blessed are the peacemakers."

But anyhow, as the mass of the people have through indirect taxation not only to pay the expenses of war, but supply the targets for the other fellow's bullets, they should first have the opportunity of determining by a direct vote, unmixed with any other subject, whether they desire a war or not.

Mr. Chairman, I do not look for any material change in the attitude of this House on this subject any more than on other matters of great moment until the people are able to express their views directly on public questions. Under our present election system it is impossible to know what the people really desire on these matters. Take the recent election as an illustration. I am confident that hundreds of thousands of Democrats who have no sympathy with Mr. Roosevelt's views on war, imperialism, or militarism—of which this bill is an expression—voted for him, because it seemed to them the only way they could protest against the control of their own party by its monopolistic elements. Had it been possible for these and other men who are coming to realize the curse of these warlike preparations to have separately expressed their views thereon, it is quite likely that the President would not be so confident that the election was a magnificent indorsement of him and of his works. I am therefore greatly pleased and encouraged to observe the growing demand for the "initiative and the referendum," reflected as it is in the action of certain Democrats, who, as candidates, received such extraordinary votes at the election in November.



Governor Garvin, of Rhode Island, has for several years been an outspoken advocate of "direct legislation." I am confident that his election in 1902 and 1903 was in great measure due to his advocacy of this truly Democratic principle. Even on November 8 his strength with the people of his State was so great that, while Mr. Roosevelt received some 15,000 plurality in Rhode Island, Governor Garvin only failed of election by about 500. This was a most gratifying tribute to his sincere devotion to Democratic ideals and his championship of the initiative and referendum, which, by bringing government close to the people, make the people's representatives the people's servants.

That brave Democrat of the Middle West, Joseph W. Folk, the man who has done more to strike terror into the hearts—if they have any such uncommercial organ—of the great monopolists, who are constantly corrupting public officials, is, I am informed, a convert to this same theory of government, and will endeavor to secure the adoption by the Missouri legislature of bills establishing direct legislation—the initiative and referendum.

In Wisconsin, the governor of which State is a splendid Democrat on all questions save the tariff, has won out in his fight against the combined public-service corporations of his State. His victory, I am told, will result in the enactment of a primary-election law, which will make it much more difficult, if not impossible, for the railroads and other special-privileged interests to dictate nominations, and will also, I believe, insure Wisconsin adopting the principle of direct legislation.

In Massachusetts the man who won the phenomenal victory of carrying that Republican stronghold by 36,000, with Roosevelt having 80,000 plurality, in his message to the Massachusetts legislature yesterday takes advanced ground for the popular referendum and for municipal ownership of public utilities.

All these men comprehend that the people are demanding more direct control of legislation. They know the people are rapidly abandoning the idea that such bodies as this Congress are composed of men of superlative wisdom and can make no mistakes, even where they are not directly affected by the emissaries of special interests who are constantly demanding legislation in the interest of the privileged few.

Governor Toole, of Montana, another Democrat who was able to carry his State in a year when the plutocratic Democrats were driving Democratic Democrats to the support of Roosevelt, is also an advocate of the initiative and referendum.

The aggressive attitude which Governor Douglas has taken in advocacy of these fundamental Democratic principles is shown in his message of yesterday. So sure is he that the people of his State did not on November 8 indorse the "stand-pat" policy of the gentlemen on the other side of this House that he even proposes that a commission be appointed to investigate the operations of your sacred tariff system and recommends that the result be submitted to the people for their decision by a referendum vote as to what tariff changes they desire. It may easily be that the Republican delegation of that State will thus be instructed to vote with the men on this side of the House in favor of radical tariff changes and to place coal, hides, lumber, leather, etc., on the free list.

His recommendations are as follows:

[From the New York Times, Friday, January 6, 1905.]

DIRECT LEGISLATION URGED BY DOUGLAS—BAY STATE GOVERNOR WANTS POPULAR VOTE ON FRANCHISES—FOR MUNICIPAL OWNERSHIP.

BOSTON, January 5.

Direct legislation, municipal ownership of public service utilities, popular vote on franchise grants, the abolition of indiscriminate imprisonment of offenders, and tariff revision were the principal recommendations made by Governor Douglas in his inaugural address.

Governor Douglas, who is the forty-first governor of the State, was sworn in shortly after noon to-day. He is the fourth Democratic governor in fifty years. All the other State officers are Republicans, and the legislature is heavily Republican.

Governor Douglas made a vigorous plea for tariff revision, attributing the increased cost of living to the present law. He asks authority of the legislature to appoint a commission which shall determine the nature and extent of the injury the State suffers by excessive tariff taxes, and suggest a remedy.

A referendum vote should be taken, he thinks, on the conclusions of this commission, the object being to obtain an expression from the people which shall serve as a guide to the Massachusetts delegation in Congress.

On direct legislation he says:

"It is difficult to see what objection there can be to such a grant of power to the people over their legislation. As members of the legislature are representatives of the people, they should not object if their constituents be given to reverse or approve their acts. If the objection be made that the people can not be trusted, such an objection is a denial of the success of popular government as shown by the history of town meetings for more than two centuries.

"Especially do I recommend the passage of a law giving broad powers to the people of our cities to secure the submission to them of acts of the city councils affecting the interests of the citizens."

Continuing, Governor Douglas advocates a direct vote on franchises. "When capital," he says, "has been invested in these franchises there arises at once, in the nature of things, a conflict between the public, which desires the cheapest and best service, and the franchise owners, whose purpose is to gain profit. It is futile to expect, if the legislature continues the sole distributor of these valuable franchises, that it

will not be invaded by men who seek them, or that their possessors will not protect their privileges to the utmost.

"If the people are given the right by direct vote to determine whether such franchises shall be granted, and how, within legal limitations, they shall be exercised, the seekers and holders of such franchises will be compelled to meet the popular requirements."

Governor Douglas recommends wider powers of municipal ownership. "Whatever doubts," he says, "may exist as to the expediency of State or Federal ownership of public utilities, the operation of such undertakings by towns and cities has now passed the experimental stage. It has been demonstrated by the experience of towns and cities in this Commonwealth, both with regard to water supply and public lighting, that under favorable conditions and proper management the business of gas, electric lighting, and water supply can be conducted by municipal corporations with profit to the inhabitants, both in price and in service."

He, therefore, recommends that municipalities be granted the power to conduct their own public service utilities.

As further evidence of how rapidly this demand for municipal ownership is growing, and also how general is the demand for the initiative and referendum as to the means whereby the people can secure the same, I want to incorporate in my remarks a letter I have just received from the president of the Referendum League of Erie County, N. Y.—that is, of the city of Buffalo. You will note there is the same old story of inadequate accommodations provided, of excessive fares, of low wages and long hours for the company's employees, together with what amounts to a practical refusal to pay even the ridiculously small amount of taxation which the present law requires them to pay. This is accomplished by having these enormously valuable franchises assessed for taxation by the State board of tax commissioners, instead of, as they should be, by the local authorities, whom the voters could reach if they permitted these public service corporations to dodge their taxes, as they now do by being assessed at probably not more than 25 per cent of the rate at which the homes of the people of Buffalo are assessed. Thus these corporations first steal the property of the whole people of a city by bribing aldermen to give them these valuable privileges; then they refuse to pay taxes upon the people's property which they monopolize, thus forcing the mechanic and the merchant to pay a larger amount of taxation than they otherwise would be called upon to pay.

Mr. Stockton's letter is a strong presentation of the argument for both municipal ownership and the initiative and referendum, and is well worthy of perusal by every Member of this House. It is inserted in full:

[Referendum League of Erie County.—Lewis Stockton, president; Thomas M. Crowe, M. D., vice-president; W. H. Baker, treasurer, 215 Franklin street; James Malcolm, 313 Herkimer street. Council: The Rev. Israel Aaron, D. D., J. N. Adam, James Ash, Max Breuer, M. D., J. B. Coakley, M. D., Spencer Clinton, John Coleman, Charles F. Dunbar, A. J. Elias, Rev. O. P. Gifford, D. D., William Horace Hotchkiss, Neil McEachren, William E. Kreiner, John G. Milburn, Michael Nellany, George S. Potter, Rev. L. M. Powers, John J. Smith, Thomas Stoddard, Hon. Truman C. White. Proposed legislation: 1. Expressions of opinion by voters of Buffalo on questions of public policy at elections when 5 per cent petition therefor. 2. Votes at the polls on grants by the common council of franchises and other public property.]

BUFFALO, N. Y., January 3, 1905.

HON. ROBERT BAKER, M. C.,  
Washington, D. C.

DEAR SIR: The common council of this city realize the impossibility, under existing conditions, of obtaining from the New York State legislature any adequate remedy for certain conditions. The evils complained of and everywhere recognized result from the monopolies which spring from grants of franchises for public service utilities in cities to quasi public corporations for private gain. The Buffalo common council, under the "good government" or "general welfare" clause of the city charter, therefore enacted the following ordinance:

CHAPTER 45. Upon the filing with the city clerk of a written petition signed by 5 per cent of the registered voters of the city of Buffalo, as shown by the last registration list, or upon a resolution of the common council of said city, passed by a majority vote thereof, authorizing it, it shall be the duty of the proper election officials to submit any question or questions of public policy so petitioned for or authorized to the electors of said city at any general election in order to obtain the opinion of such electors thereon; provided that such petition is so filed or such resolution becomes of force not less than sixty days before the date of the election at which such question or questions are to be submitted. Not more than three questions proposed by petition shall be submitted at the same election, and such questions shall be submitted in the order of filing the petitions.

SEC. 2. The city clerk shall publish in the official paper and in three other daily papers of the city a notice that such question or questions are to be voted upon at the next election. The notice shall be published twice a week for three weeks prior to the election.

SEC. 3. Every question submitted to the electors shall be submitted in the manner and form in which constitutional amendments or other public measures are submitted to a vote of the electors.

Under the foregoing ordinance the following petition is being circulated:

THIS IS THE PETITION. SIGN IT.

Sign it at once if you believe that the people should have a voice in city government. Get as many signatures as you can to this petition, and when filed in send to the Referendum League, 97 Erie County Savings Bank Building. (Telephone, Seneca 3673-Y.) If more blank petitions are needed they can be obtained at above address.

Explanation of questions.

Question 1. Referendum bill provides for votes at the polls, on grants of large franchises and other public property. Privileges and permits are to be granted under general rules, which rules are to be approved

Many historians have agreed that the treatment of women as a nation is one of the best tests of its progress in civilization. A short review will testify to the soundness of this conclusion. In savage life, in which prowess alone commands distinction, the comparative feebleness of woman deprives her of recognition, and she is the mere slave of man for labor and drudgery. This is equally true of the barbarians of the past, or the savage of Brazil and North America of the present. The first idea of a wife seems to have arisen from the power to obtain and retain possession of a woman. We read in the Bible of the capture of wives from the daughters of the Shiloh for the children of Benjamin. The early history of the Greeks, Romans, and Hebrews is filled with expeditions made for no ostensible reason save that of procuring wives. Walter Scott says that the MacGregors captured a wife in 1750 for Robin Oig; a date so recent that the deed might be set down to fiction did we not know that it was necessary to pass a law in England in the third year of



Henry VII's reign making it a capital offense to carry away a woman without her consent. The next step in the matrimonial relation was the sale of daughters among the semicivilized tribes. This had the improvement of giving fathers and brothers some say in the disposition of the woman, and of at least rejecting brutal alliances. The Egyptians stand out in bold relief in respect to their treatment of women during the reign of the Pharaohs, but as their advanced state of civilization at that time is well known, it but adds a proof to the validity of the test before named.

The legal status of woman was changed early in the Greek law, and from that of a chattel to be sold, the father paid a sum of money to the bridegroom, which was the beginning of the custom of "dowry." This was secured to her, in case of separation, as well as an allowance from her husband, if he were the guilty cause of a divorce. Thus, a fixed legal status with personal rights was first given by Greek law. This raised her position in the marital state, and she became the companion instead of the plaything of the husband. The "Patria Potestas" of early Rome gave absolute authority to the father over the family. He could sell his daughter to one of his own selection, and his authority was transferred to the husband as to the fortune and even the life of his wife. More mature Rome jurisprudence improved the status of the female to the extent of inheritance of property and its retention independently of her husband. The fall of Rome and the institution of feudalism had a disastrous effect on the social and legal position of women. Marital service was the indispensable qualification of the right to hold property. Deprived of this, her personal rights were soon abridged. During the whole Anglo-Saxon period the law gave the power to the husband to exercise restraint by correcting her if necessary. Civil law allowed the husband for some misdemeanors "flagellis et festibus acriter verberare uxorem," and for others only "modicum castigationem adhibere." Authorities do not agree as to what constituted a moderate castigation, or the instrument wherewith it was to be inflicted. Welsh law fixes as a proper allowance "three blows with a broom stick on any part of the body except the head." A second law limits the size of the stick at the "length of the husband's arm and the thickness of his middle finger." Another rule was that "a man may lawfully correct his wife with a stick no bigger than his thumb." No wonder, then, when Justice Brooke (12 Henry VIII, fol. 4) affirms "that if a man beat an outlaw, a traitor, a pagan, his villein, or his wife it is punishable, because by the law common these persons can have no action." He says "God send gentle woman better sport or better compagne." But said Blackstone, in his Commentaries, "with us in the politer reign of Charles II this power of correction begins to be doubted, and a wife may now have security of the peace against her husband. Yet the lower rank of people, who were always fond of the old common law, still claim and exact their ancient privilege." It was not until 1829 that the act of Charles II, which embodied the old common law and allowed a man to "chastise his wife with any reasonable instrument," was repealed.

The legal position of women in this, our century, is fully established, so far as her rights to property are concerned, and she is amply protected against her husband squandering her wealth, be it real or personal. Her person itself occupies a less secure position, and even the remedy offered by law is not available to her, owing to the attending consequences, and this in spite of the constitution of the country guaranteeing the right of enjoying and defending life and liberty. The usual proceeding "in civiliter" of suit against her husband for damages resulting from assault and battery is denied her, owing to her marital state, while the criminal prosecution, with the penalty of imprisonment, deprives her and her children of needed support, which anticipated result is frequently a bar to her even seeking protection. The binding of her husband to keep the peace, or the order of maintenance by the magistrate, has been found to be futile, especially among the class to which most wife beaters belong, namely, drunkards, who are the only class allowed to take the law in their own hands and inflict corporal punishment on their wives for alleged faults existing only too often in their intoxicated brain, while fines and costs simply deprive the injured mother and innocent children of the necessities to sustain life. Referring to the prevalence of the inhuman crime of wife beating, Darwin says, "with the exception of the seal, man is the only animal in creation which maltreats its mate, or any female of its own kind."

Judicial statistics leave no question as to the extent of the crime. In England and Wales, issue of 1877, we find that of aggravated assaults on women and children brought under summary jurisdiction there were reported in 1876, 2,737; in 1875, 3,106; in 1874, 2,481, and of these it is estimated that four-fifths were assaults made by husbands on their wives. It is in centers of dense mercantile manufacturing and mining populations that this crime was most prevalent. In London the largest returns for one year (Parliamentary reports of brutal assaults) of brutal assaults on women were 351; in Lancashire, 194; in Stafford, 113; West Riding, 15, and in Durham, no fewer than 267, with a population of only 508,666. In America it has been impossible to secure any published statistics, but to supply the place of such records the following interrogatories were sent to every district attorney in the State of Pennsylvania, and their replies have been tabulated to show the results:

I. During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?

II. How many true bills were found?

III. How many convictions were obtained, and what was the average term of sentence?

IV. The nationality of the condemned?

V. In your opinion is the crime on the increase?

VI. Do you know if the families of the condemned, or what proportion of them, became a charge upon the county for want of support?

VII. Were the condemned under the influence of liquor at the time of committing the crime?

Please return, etc.

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Adams	3	2	2, costs and fines	American	No	None	Yes.
Allegheny			50, 5 days to 1 year				
Armstrong							
Beaver	2	1	1, 2 years	Irish	No		
Bedford	None.	None.			No		
Berks	10	8	5, fines and costs	4 German, 3 Irish, 1 English	Yes	2	Mostly.
Blair	4	1	1, 6 months	American, 3	No	1	Yes.
Bradford	2	2	6, 2 days to 3 months	All	Yes	1	Yes.
Bucks	15	None.				1 or 2	Three-fourths were.
Butler							
Cambridge	None.				No		
Cameron	1	1	1, 6 months	German	No		Yes.
Carbon	8	6	6, 30 days to 3 months	German, Irish	Yes	2	1 case.
Center							
Chester		4	4, fines and costs	German, Irish	Yes	No	Yes.
Clarion	3	2	6, years	American, Irish, German	No	No	No.
Clearfield	5	3	3, fines and costs	German, American	No	Not any	Yes.
Clinton	2	2	Costs and fines		No	None	No.
Columbia	None.	None.	None		No	No	
Crawford	2	2	2		No	No	Yes.
Cumberland							
Dauphin	2	2	1, 2 months	Colored	No	No	Yes.
Delaware							



County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Elk							
Erie	1	1	1, 1 year	German	No	1	Yes.
Fayette	a3			American		1	1.
Forest	None.	None.	None.		No		
Franklin	2	2	1, 6 months	German	Yes	None.	No.
Fulton	1	None.		American	No		Yes.
Greene	3	2	1, 30 days.	do	Yes	None.	No.
Huntingdon	4	None.		do	No		No.
Indiana	None.						
Jefferson	2	1	1, 30 days.	American	No	No	Yes.
Juniata	1	1	1, 6 months	German			Yes.
Lackawanna	6	6	1, 30 days.	Hungarian	No	None.	Yes.
Lancaster	7	None.	2		No	No	No.
Lawrence	None.				No		
Lebanon	12	8	8, 60 days.	German, Irish	No	Not any	Yes.
Lehigh	4	None.	None.	Irish and German	No	None.	No.
Luzerne							
Lycoming	10	6	4, 15 days.	American, Irish	No	No	Yes.
McKean	5	5	None.	Irish and American	No	None.	Yes.
Mercer	2	None.	None.		No		Yes.
Mifflin							
Monroe	None.				No		
Montgomery	9	9	4, 3 months	Irish, English, American	Yes	None.	5 yes, 4 no.
Montour	None.				No		
Northampton	10	8	6, 30 days, 6 months	Irish, American	Yes	No	Yes.
Northumberland							
Perry	None.						
Philadelphia	308	182	80, 5 months	No record	Yes.	Not many	Almost always.
Pike	None.				No		
Potter							
Schuylkill	16	16	15, 20 days		No		Yes.
Snyder							
Somerset	1	1	1, 2 years 6 months	Italian	No	No	Yes.
Sullivan	2	None.	None.	American	No	No	Yes.
Susquehanna	None.				No		
Tioga							
Union	None.				No		
Venango	1	1	1, 1 year	American	No	Yes.	Yes.
Warren	None.						
Washington	4	None.	None.	2 Welsh, Scotch-Irish	Yes.	None.	3 yes, 1 no.
Wayne	2	1	None.	Irish	None.	None.	1 no, 1 yes.
Westmoreland	6	3	None.	American	Yes.	None.	4 yes, 2 no.
Wyoming	2	None.	None.	American, Hungarian	No	None.	
York	None.				No		
	527	287	211, 3 months	Mostly foreigners.	Yes 11, No 33.		Yes 30, no 7.
Camden	125	30	1, 15 to 60 days.	Irish, German, American	Yes.	A few	Mostly.

a Wife desertion.

Five hundred and twenty-five brutal complaints by wives against their husbands for brutal beatings in one year is a terrible showing for a State so long settled and so far advanced in civilization in other respects as is Pennsylvania. Three hundred and thirty-seven of the complaints were pronounced well founded by the grand jury, and 211 husbands were convicted for terms averaging three months each, thus depriving their families of necessary support. Would that we could flatter ourselves that these returns showed the full extent of this crime in that Commonwealth, but it is probably ten times as great as is directly apparent. It will be noticed that there is no return from the coal regions of Luzerne County. Attention is also called to the prevalence of wife beating in Camden, N. J., which, except for geographical lines, is part of Philadelphia. The tabulated reports represent only the aggravated assaults, in which the wife, driven to desperation by repeated assaults, seeks to have her husband imprisoned.

Hundreds of minor cases appear before the justices of the peace or are settled before trial. This fact is established by the voluntary remarks of the several district attorneys. He of Lycoming County says: "The statement does not by any means represent the extent of the crime. Many prosecutions are settled before the justices that we never hear of. Many more wives are abused who will not make a complaint." The prosecutor of Northampton County says: "There probably have been many more such cases returned for trial during the year, but settled by parties before bill is found. Many more have been settled by the justices of the peace and no returns made to court." Blair County: "I have had a great many cases of wife beating, but only some three or four have come to trial; all generally settled, and frequently before preliminary hearing." Montgomery County: "Desertion cases, which are disposed of on hear-

ing without jury trial, develop a large amount of wife beating. These are not included in the queries. During the past year wife beating was developed in ten desertion cases." The district attorney of Erie County says: "I find that a certain class of Englishmen beat their wives from habit." Dauphin County: "Only two specific charges of assault and battery on wives, but in many desertion or maintenance cases the testimony showed personal violence by husbands."

Clearfield County reports: "Forty complaints have been made before magistrates in addition to complaints appearing in court." In the thickly settled mining regions of Schuylkill County the preserver of the peace writes: "Thirty-six cases were returned by justices of the peace and were bound over by the judges for good behavior. Then we had about forty cases in which there was no trial from the fact that the wives asked the court to withdraw the prosecution of the defendant, as his imprisonment would leave the families in want." It is needless, in order to establish the prevalence of this crime, to quote from others who write in a similar strain.

Further, it will be noticed that wife beating exists to a greater extent, though not exclusively, among the foreign population, and it is certainly desirable that the baneful influence of the practice should be promptly checked before contaminating our native-born people.

To the question, "Were the condemned under the influence of liquor at the time of committing the crime?" the answer is almost invariably in the affirmative. Here is a thought for those interested in the temperance cause. What effect would the whipping post have on these drunken brutes? From eleven counties and from Camden comes the disheartening statement that in the opinion of the men best able to judge the crime is on the increase.

Surely, with its prevalence in many counties and its increase in others, the present law is proved to be inadequate, and legislation is necessary on the subject.

The knowledge of the frequency of wife beating will be startling to the community and the inadequacy of the present punishment evident. Infliction of punishment should always have a twofold end—the reform of the criminal and the prevention of the committing of the crime by others. Hobbes says: "In revenges or punishments man ought not to look at the greatness of the evil past, but the greatness of the good to follow, whereby we are forbidden to inflict punishment with any other design than for the conviction of the offender and the admonition of others." The latter has the greatest interest for the public for its own safety and that of its property.

The ordinary procedure, when complaint is made, is before justices of the peace, to whom the wife applies to have her husband bound over to keep the peace or to provide maintenance. These cases are usually settled, the wife preferring to risk a second beating rather than deprive herself and offspring of food and shelter. The risk of such deprivation likewise deters the magistrate. The district attorney of Cameron County writes: "The greatest difficulty in enforcing the law properly and punishing wife beaters arises from the fact that the wives themselves in every instance come into court and beg their husbands' release. This has been my experience and my predecessor says his was the same. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent the constant occurrence of this crime."

The district attorney of Schuylkill County says: "There were about forty cases in which there was no trial, from the fact that the wives asked the court to withdraw the prosecution. To imprison the defendant would only leave their families in want."

The district attorney of Lycoming County testifies: "Except in aggravated cases settlement is encouraged because the parties are all poor and have no money for the costs and fines, and their families suffer while they are in prison."

The district attorney of Pittsburg writes: "In most cases the wives come into court and beg for the release of their husbands."

The district attorney of Philadelphia says: "I have no doubt the imprisonment of the wife beater in a large majority of cases causes very great suffering to the innocent families. More, indeed, than his incarceration inflicts on him."

In the more formal and protracted procedure of complaint and indictment by the grand jury, followed by trial in court, the objections noted rise to even a greater degree of force, and Judge Mitchell, of Philadelphia, informs me that in cases in which conviction has been had he has invariably been appealed to by the wife to impose only a short sentence, as long imprisonment meant starvation to the family of the convicted.

Confinement in the county jail, where not even hard labor is imposed, has no terror for a brute so demoralized that he will strike a woman—his physical inferior—and by nature he is incapable of feeling for those suffering at home.

It has been urged that wives would not inform on their husbands and expose them to the disgrace of being whipped. But at least they would have a chance, and it will be seen from the testimony given that the law, as at present existent, does not even give them any option, for with the want of food staring them in the face they dare not complain. The punishment of the lash is not open to the objection that want will follow to the complainants, and if they have a remedy and prefer to suffer, it is for them to decide. Wife beating is not done openly where the law can see and take cognizance of the breach of the peace, and that the law may be put in motion it is essential that the wife should be placed in an untrammelled position, free to protect herself by making complaint.

There is an economic side to the whole matter which affects the community far more than the mere horror of the brutality of the offense. Society is an organization to protect itself. The combining of the weaker against the strong and the employment of the machinery of the law offer comparative safety to the individual. To sustain the system society is willing to be taxed; to have prisons built; judges and prosecuting attorneys paid; police hired; convicts immured and supported, and for every murderer hung or incarcerated the sense of increased security for his person is a return to the individual for the tax paid, and the conviction of each thief is a consideration received on account of the premium paid for the security of property.

What relation does the crime of wife beating bear to the taxpayer beyond the shock to his feelings of humanity? It affects the citizen in no degree if the brute plies his vocation every day of the year. The person of the taxpayer, if anything, is

less secure, for the brute from force of habit in inflicting pain might assault others who were his physical inferiors, while the property of the taxpayer, if the brute is convicted and sentenced, is taxed to support him in jail. The evil does not end here, for the chances are largely in favor of the wife and children of the criminal being left a charge on the county as inmates of almshouses during his imprisonment. The number of persons who thus become a charge upon the county it is next to impossible to estimate. In reply to the inquiry on this subject the several district attorneys were unable to give information save in a few cases, and as commitments only read, "assault and battery," no information can be gleaned from the prison registers.

The men convicted of this crime are married, and with the average family the number of persons deprived of support can not be small. The incomplete returns give 211 convictions with an average sentence of three months each, which, at 25 cents per diem, makes a charge upon the taxpayer of over \$5,000 annually for supporting these brutes in idleness. Not a pleasant thought, certainly. Of course the subject might be pursued further in this direction, and we might discuss as a matter of loss to the State the pay of jurors, witness fees, also the time wasted by courts and attorneys in trials of wife beaters while important civil cases awaited adjudication. An additional loss is the money spent in the purchase of the alcoholic stimulant with which these brave men fortify themselves for the heroic deed of attacking their wives—their physical inferiors, to say nothing of the further loss due to the habit of idleness acquired during their imprisonment without labor. But enough has been adduced to support, from an economic view, the passage of a law to suppress this crime.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I do.

Mr. GAINES of Tennessee. What States or Territories have such a law as this now?

Mr. ADAMS of Pennsylvania. The State of Maryland passed this law, and after one conviction and punishment wife beating almost disappeared from that good State. The State of Delaware already has a whipping post, and I regret to say this crime is not included. I wish it distinctly understood in advocating this bill that I am not an advocate of the whipping post as it exists to-day in the State of Delaware. Certain crimes should be punished in another way, in my judgment.

Mr. GAINES of Tennessee. Well, why does not the gentleman so amend his bill as that it shall provide that a man shall be whipped for striking any woman, whether she is his wife or not? Any man who would strike a woman ought to be whipped, and I would like to do the whipping myself, if necessary. [Applause and laughter.]

Mr. ADAMS of Pennsylvania. I quite agree with that. That, however, is already provided for by law under the crime of assault and battery, and the people have their remedy as the statute now exists.

Mr. BEDE. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I do.

Mr. BEDE. Mr. Chairman, I would like to ask if the gentleman reports this bill because, as a bachelor, he is immune to the provisions of the bill? [Applause and laughter.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, the only class of people who can be got to introduce this legislation are single men, because they are not in the married men's trust. [Applause and laughter.]

Mr. GAINES of Tennessee. I would like to suggest that it is not the fault of the gentleman from Pennsylvania [Mr. ADAMS] that he is a bachelor.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in a recent debate in the senate of Pennsylvania objection was raised by a senator, not trained in the law, that the proposed punishment was in violation of the constitutions of the United States and of that Commonwealth. The amendment to the Constitution of the United States forbids "cruel and unusual punishment." This is a restriction of the Federal Government, and not upon the States. It is inapplicable to offenses against the State. This is well recognized, and has been adjudicated in the case of *Barker v. The People*. (3 Cow (N. Y.), 686.) The law as it existed in the slave States formerly, and as it exists in Delaware and Maryland to-day, is a sufficient answer to the objection.

It will be noticed that the constitution of Pennsylvania does not retain the wording of the bill of rights (1 William and Mary), as does the Constitution of the United States, but omits the word "unusual." That this omission was designed by the framers there can be no question, as the original phrasing was



of too ancient a date and too familiar to be mistaken, and formed one of the most pronounced declarations of that statute which established security of personal liberty. In interpreting the portion of the bill of rights cited, James Fitzjames Stephens says, "No doubt the flogging of Oats and others who were sentenced were the cruel punishments which Parliament referred to." Macauley, in describing the infliction of the sentence, says that Oats was expected to die. He was whipped twice at an interval of two days. "The hangman laid on the lash with such unusual severity as showed that he had received special instructions. The blood ran in rivulets." On the second whipping he received 1,700 lashes. It was the prevention of such cruel and unusual punishment as this that the provision of the bill of rights was directed, and not against whipping itself. This is substantiated by the fact that "whipping has never been formally abolished for common-law misdemeanors" (Stephens), but, on the contrary, has been named as punishment to be inflicted in the acts 26 and 27 Victoria, C. 44, where the number of whippings, and the instrument to be used, and the number of strokes to be inflicted, are set forth. In 1863 this statute, the garroters act, was passed by Parliament, discretionary power being given to the judge to inflict the additional punishment of flogging, and this most atrocious crime of strangling, which had held London in terror for several years, disappeared after one or two convictions.

These statutes plainly show that in England the section of the bill of rights against cruel and unusual punishments is held not to refer to whipping properly administered as a punishment.

In Pennsylvania, up to the time of the adoption of the constitution of 1790, in which was first inserted the restriction against cruel punishment, the provisions of 1 William and Mary were in force, and to show that the interpretation in that State was the same as that in England I cite the act of March 10, 1780 (1 Smith's Laws, 501), in which punishment for horse stealing is prescribed. "Every such person or persons so offending, for the first offense, the offender shall stand in the pillory for one hour and shall be publicly whipped on his or on their bare back with thirty-nine lashes well laid on." And the act of March 16, 1785, prescribes that for counterfeiting the offender "shall be sentenced to the pillory, to have both his or her ears cut off and nailed to the pillory." These were not considered cruel and unusual punishments under the bill of rights, nor can they be held to be in violation of the clause of the constitution of 1790, for they remained statutes after its adoption for nearly fifty years, and were only repealed by the act of April 3, 1829, although it may be a question as to what was the effect on this subject of the acts of April 5, 1790, and April 22, 1794. The present constitution of Pennsylvania retains the clause of the former constitution verbatim in regard to cruel punishment, and as the case is in no wise changed, I hold that there is no constitutional prohibition preventing the passage of the law inflicting whipping as a punishment.

Mr. SHACKELFORD. Mr. Chairman, I would like to ask the gentleman if this provides for duckings also for female offenders.

Mr. ADAMS of Pennsylvania. I do not see the relevancy of that question. If I did, I would answer it with pleasure.

Mr. SHACKLEFORD. Well, the gentleman can answer it yes or no, whether it does or not.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I do not see the relevancy of that question. The question of flagellation as a punishment has received much more attention than perhaps the Members of this House are aware and from very serious sources. It has long been debated whether flagellation as a punishment or flagellation as a penance was the more ancient of the two kinds of whippings; but the Rev. William M. Cooper, in his *History of the Rod*, decides that corporal punishment is as old as sin, and that voluntary flagellation was in imitation of punishment inflicted on themselves by those feeling guilty of such sins as they had committed. That whipping is one, if not the oldest, mode of punishment history offers ample proof. In *Exodus* we read that Pharaoh flagellated the Israelites. In the laws of Moses flagellation was imposed for certain offenses, the number of lashes being limited to forty. Jesus Christ was scourged before crucifixion. The Romans carried the practice of flagellation further, perhaps, than any other nation. Horace tells of the nicety to which it was administered in his accounts of the "Ferula, the Scutica, and the terrible Flagellum."

The celebrated cases of Henry II, in England, and Miss Cadiere, in France, suffice as examples of the Middle Ages, while Austria, Russia, China, Turkey, and Siam at the present day apply the rod in various forms as a means of punishment. But it is far from my object to advocate whipping as a punishment in general or to approve the law as it exists in the State

of Delaware to-day. The object is only to urge whipping as a remedy for the crime of wife beating, and in so urging I am in consonance with the doctrine laid down by James Fitzjames Stephens, the ablest judge that ever sat in an English criminal court, and one of the most learned writers on criminal law. In his history he says: "The view which I take of the subject would involve the increased use of physical pain, by flogging or otherwise, by way of secondary punishment. It should, I think, be capable of being employed at the discretion of the judge in all cases in which the offense involves cruelty in the way of inflicting pain or in which the offender's motive is lust. In each of these cases the infliction of pain is what Bentham calls a 'characteristic punishment.' The man who cruelly inflicts pain on another is made to feel what it is like. The man who gratifies his own passions at the expense of cruel and humiliating insult inflicted on another is most fearfully and shamefully humiliated." In 1874 the home office of England issued a circular requesting opinions whether flogging should be authorized in cases of assault, especially on women and children. There was a great unanimity of opinion that the law as it stood was insufficient, and that the penalty of flogging should be added to the list of sanctions. Lord Chief Justice Cockburn, Justices Blackburn, Meller, Lush, Quain, Archibald, Brett, Grove, Lord Chief Baron Kelly, and Barons Bramwell, Piggott, Pollock, Cleasby, and Amphlet were all of this opinion. Lord Coleridge and Mr. Justice Denman were hesitating, and Mr. Justice Keating, of all who sat upon the bench, was the only opponent of flogging.

The chairman and magistrates in sessions were, in sixty-four cases out of sixty-eight, in favor of whipping. The recorders of forty-one towns were likewise in favor of it, only three entering their protest against it. When, at the session of the legislature, a bill to establish the whipping post for wife beaters was introduced in the senate by the speaker he was flooded with letters from within and without the State in support of the bill, and copies thereof asked for even from Canada. The proposed act received the almost unanimous support of the public press. In the interrogatories sent to the several district attorneys the direct question of their opinion as to the establishment of the whipping post as a punishment was not asked for two reasons: First, in the agricultural counties the crime exists to a slight extent only, and the attorneys, probably in ignorance of its prevalence elsewhere, would naturally see no necessity for it; in the second place, the reasons for imposing whipping as a punishment solely for the crime of wife beating have but recently been given to the public. The following voluntary remarks, therefore, have double force as spontaneous opinions of the public prosecutors. The district attorney of Schuylkill County says: "There is a growing sentiment in this county in favor of your bill. Our judge has spoken favorably of it, and reminded a defendant, as he was about to sentence him, that he hoped that the day was not distant when wife beaters would be punished as directed in your bill." The district attorney of Westmoreland County adds: "As a rule, the same parties, in a year or so, turn up in court again for the same offense. The whipping post is the only adequate punishment for the offense." The district attorney for Cameron County testifies: "The law in its present condition is utterly powerless to prevent this crime. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent its recurrence." The district attorney of Adams County puts a P. S.: "Your proposed correction of this evil, when the case is clearly established, meets with my hearty approval." Forest County: "A law to flog wife beaters would be good." The judgment of the district attorney of Bradford is: "We ought to have the old whipping post in Pennsylvania, and nothing else will so effectually check this most dastardly crime."

The district attorney of Franklin writes: "I heartily favor the whipping post." Clearfield County, represented by district attorney, says: "In the writer's opinion, the Delaware whipping post would be a salutary preventive for this crime." The opinion of the experienced district attorney of Philadelphia, who presented 308 bills to the grand jury and convicted 80 brutes of this cowardly crime, is: "In my judgment, the re-establishment of the whipping post or some mode of corporal punishment, inflicted privately, would be more effective to reduce the number of wife beaters than the punishment of incarceration." Three grand juries of Philadelphia County recommended the passage of this bill to the legislature, and four called the attention of the public to the prevalence of the crime. The opinions of the judges of the court of common pleas of the State, on the advisability of whipping as a remedy for wife beating, are generally unknown to the speaker, but the mature judgment of the two judges longest in service on the Philadel-



phia bench—Judge Allison and Judge Ludlow (his junior but a few years)—both favored the proposed punishment.

It is a curious fact that the code of Delaware, which inflicts whipping for so many crimes, does not impose it for the offense of wife beating. We can therefore get no information from Delaware as to the efficacy of whipping in suppressing and preventing this particular crime, however potent it may be against others in that State.

Mr. BAKER. Mr. Chairman, I would like to ask a question of the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. Yes.

Mr. BAKER. Mr. Chairman, there was so much noise that I did not hear the names of those English judges, and I would like to know whether Mr. Justice Hawkes is included among them, because he has the reputation of being the most severe, the most vicious, and the most cruel judge, and I think he ought to be in that list.

Mr. ADAMS of Pennsylvania. I dare say that if he is constituted that way his horror of wife beating would be such that the gentleman will find him in the list.

Mr. BAKER. I should imagine that his desire to perpetuate force and to appeal to the desire for strength, for the worship of war, the worship of everything that is cruel, would make this law appeal to him. That is his reputation.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yielded to the gentleman for a question. I will ask him one. Do you favor wife beating?

Mr. BAKER. No, sir.

Mr. ADAMS of Pennsylvania. Thank you.

Mr. GAINES of Tennessee. What would you do with a man who hit a woman?

Mr. BAKER. But I do not favor your law or your proposed bill.

Mr. ADAMS of Pennsylvania. I am sorry to hear it. Probably after the gentleman has heard the balance of my argument and the remarks I hope to be allowed to extend, and he will read them, he may get some information, because I know he is fair; but, as I stated in reply to the gentleman, this is to tend toward domestic peace, and having just expressed his great interest in national peace, I am sure he will be in harmony with the measure.

Mr. BAKER. It is because I am very sure it will promote domestic war instead of peace that I am opposed to it.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I have endeavored to gather together some statistics of the District of Columbia, and I applied to the marshal's office, but unfortunately, owing to the shortness of time and as they have kept no records and most of these cases have been tried under the charge of simple assault, they could not furnish me with any accurate information, but the chief of police said hereafter he would keep an inventory of these particular crimes, because the department is thoroughly in favor of the measure, and he said that in his best judgment there are four or five cases a month of wife beating tried in the lower police courts here in this city.

In 1883 the legislature of Maryland passed a bill to punish wife beaters by whipping them, and the district attorney of Baltimore informed the speaker that after the first conviction the crime ceased as if by magic in that State. With this last unanswerable testimony I closed my argument in favor of the establishment of the whipping post for the offense of wife beating, feeling fully persuaded that the sentiment which undoubtedly exists to a certain extent against whipping as a punishment will, as did my own individual feeling, change when the facts are known, and when it is well understood that corporal punishment is to be inflicted solely in cases of wife beating.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LITTAUER. Mr. Chairman, I would ask that the Clerk now read the bill.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture at the arsenals, \$348,000.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question. I notice that this first paragraph on page 5 appropriates the apparently large sum of \$348,000 for the purchase, manufacture, and test of ammunition, subcaliber tubes,

and other accessories for seacoast artillery practice, and that in the very next paragraph there is \$77,000 appropriated for the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for mountain, field, and siege artillery practice. I wish to ask him whether there is any difference in the ammunition used for these two different kinds of practice or in the subcaliber tubes, or whether they could not well be tested at one time and possibly save a duplication of expense?

Mr. LITTAUER. Of course, the item of test is a small one. The main item of \$348,000 is for practice with the great seacoast guns, what we call the large guns of 8, 10, and 12 inch caliber, together with the rapid-fire guns composing the seacoast batteries. The second item is an appropriation for ammunition for guns used by the Army in the field. It has nothing to do with coast fortification, and you will notice it reads for "mountain, field, and siege artillery." Now, in fact, we have but few mountain guns. We are just now beginning to manufacture a new type of field gun which is supposed to be the best in the world, but we have not yet any modern siege artillery. This sum came to us in one lump sum and we sought to divide that portion which applies to coast fortifications from that which properly applies to army field guns.

Mr. OLMSTED. I think probably the gentleman has satisfied my inquiry which was simply whether there was a duplication here which would result in an increased expense.

Mr. LITTAUER. They are of entirely different caliber.

Mr. OLMSTED. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper station, at the rate of \$2.50 per diem while so employed, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, \$18,700.

Mr. OLMSTED. Making a proforma amendment for the purpose of asking the gentleman a question, I will inquire if the expenses of these officers referred to in this paragraph, already in the pay of the military branch of the Government, when away from their regular posts are not already provided for in appropriation for the military branch of the Government?

Mr. LITTAUER. There are no salaries attached to this item. It is merely for expenses.

Mr. OLMSTED. Are they not already under salary from the Government, and are there not provisions in the regular appropriation bills for the military department for their expenses, whether at or away from their regular posts?

Mr. LITTAUER. Not for this special character of expenses. The mileage has to come in in another way. This has been carried along for many years in this bill, allowing officers who are temporarily employed on ordnance duty at Sandy Hook proving grounds \$2.50 a day.

Mr. OLMSTED. When they do that, as I understand it, they are already allowed, under the general law, for their expenses?

Mr. LITTAUER. They are allowed for mileage. The item is under the heading of "Proving grounds at Sandy Hook," which means that when officers are detailed from forts in New York Harbor or elsewhere and sent to Sandy Hook they provide them with this allowance of \$2.50 a day for maintenance.

Mr. OLMSTED. The point I am making is that when an officer goes to New York or Philadelphia from Washington he gets his expenses in some way under the existing law.

Mr. BUTLER of Pennsylvania. He only gets his mileage.

Mr. LITTAUER. But this is for his maintenance.

Mr. BUTLER of Pennsylvania. Mr. Chairman, let me ask the gentleman from New York [Mr. LITTAUER] why the officer should be allowed a maintenance on this particular errand when he is not allowed it in other cases.

Mr. LITTAUER. The Government furnishes transportation, but he has to take care of himself when he is away from the place at which he usually gets his board and lodging.

Mr. BUTLER of Pennsylvania. Does he not have to provide his maintenance when he is in the barracks? He certainly does. He is not allowed a cent of compensation.

Mr. OLMSTED. He gets an allowance for maintenance whenever he is in the employ of the Government.

Mr. LITTAUER. It is temporary employment when officers are sent to the Sandy Hook proving grounds to test guns and ammunition, and like matters, and it has always been carried in this bill. The officers are there temporarily, and receive \$2.50 a day as recompense for the additional expense they must incur by being sent away from their usual posts for a week or two weeks.

Mr. OLMSTED. I am not objecting to their getting their expenses, but this looks really like giving them additional compen-



sation at the rate of \$2.50 a day. My colleague suggests that wherever they are in the service of the Government they get commutation for their rations.

Mr. BUTLER of Pennsylvania. In response to the suggestion made by the gentleman, I understand that an officer gets the commutation of quarters, but not of rations; that the enlisted man only gets rations.

Mr. PALMER. The Government does not furnish commutation to anybody. He gets his pay, forage, and rations, but no money.

Mr. LITTAUER. Think of the expense they must incur in going down to the Sandy Hook proving grounds and remaining two or three days.

Mr. PALMER. I am not objecting to that item. I only state what the custom is with reference to the payment of officers.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman from Pennsylvania—

Mr. PALMER. I would be very pleased to afford you all the information that I can.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman to say that the officer is allowed his rations?

Mr. PALMER. Certainly; he gets his commutation for rations.

Mr. BUTLER of Pennsylvania. Is it so in the Navy?

Mr. PALMER. I do not know anything about the Navy. You are on the Naval Committee and you ought to know.

Mr. BUTLER of Pennsylvania. Is it so in the Marine Corps?

Mr. PALMER. I do not know.

Mr. BUTLER of Pennsylvania. The Marine Corps get the same pay as the Army, and not one cent is allowed to the officer.

Mr. PALMER. You are a sailor and I am a soldier.

Mr. LITTAUER. You are mistaken in your statement. The officer is allowed commutation in the Army.

Mr. MANN. He gets commutation of quarters.

Mr. BUTLER of Pennsylvania. He gets commutation of quarters, and that is all he gets.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw the pro forma amendment?

Mr. OLMSTED. I withdraw the amendment.

The Clerk read as follows:

#### SUBMARINE MINES.

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments, for the purchase of the necessary machinery, tools, and implements for the repair shop of the torpedo depot at Fort Totten, N. Y., and for extra-duty pay to soldiers necessarily employed for periods not less than ten days on work in connection with the issue, receipt, and care of submarine mining material at the torpedo depot, \$300,000.

Mr. OLMSTED. I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question relating to these lines beginning on line 2, and ask him why, if these men have once in a while to do a little work, they should be allowed extra pay?

Mr. LITTAUER. The law says that if soldiers are on extra duty for work in connection with submarine mining for a longer period than ten days, they shall receive extra pay, ranging from 35 to 50 cents per day.

Mr. OLMSTED. These are soldiers of the general Army, and if the law provides for that, is it not provided for in the army appropriation bill?

Mr. LITTAUER. The army appropriation bill expressly excludes this provision.

Mr. OLMSTED. Then there is no duplication?

Mr. LITTAUER. None whatever.

Mr. MANN. May I ask the gentleman a question?

Mr. LITTAUER. Certainly.

Mr. MANN. This bill provides for submarine work and mines?

Mr. LITTAUER. Yes, sir.

Mr. MANN. I would like to ask the gentleman from New York if there is any provision in the bill anywhere for the building of submarine boats?

Mr. LITTAUER. None whatever.

Mr. MANN. Is there any likelihood to be such a provision in the bill when it becomes law, if the gentleman will risk making a prophecy?

Mr. LITTAUER. I would not care to enter the domain of prophecy, but, if I maintain good health, there will be none in this year's bill, I think.

Mr. MANN. I hope the health of the gentleman will remain good.

Mr. McCALL. What amount was recommended for submarine mines?

Mr. LITTAUER. The estimate was for \$300,000, and we allowed the full estimate. I should very much have liked to have seen the estimate much larger.

Mr. McCALL. I was impressed with the gentleman's remarks upon that branch of the case, and I was curious to see whether they had reduced the amount appropriated below the estimate.

Mr. LITTAUER. We allowed the full amount of the estimate. I believe that \$1,000,000 instead of \$300,000 could well have been appropriated. It would have been good economy and to the best interests of the country.

Mr. McCALL. It seems so to me.

Mr. BUTLER of Pennsylvania. I should like to ask the gentleman a question.

Mr. LITTAUER. Certainly.

Mr. BUTLER of Pennsylvania. If I recollect rightly, we made an appropriation for extra services of \$2.50 a day to officers who might be engaged upon other service than those performed in the barracks. Am I right about that?

Mr. LITTAUER. You mean officers. This appropriation of \$2.50 a day pertains exclusively to work at the proving grounds at Sandy Hook, away off there at the extreme portion of the Hook.

Mr. BUTLER of Pennsylvania. This would not carry an appropriation for these officers?

Mr. LITTAUER. None whatever.

Mr. BUTLER of Pennsylvania. All right.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

#### FORTIFICATIONS IN INSULAR POSSESSIONS.

For construction of seacoast batteries in the insular possessions, \$700,000.

Mr. BRUNDIDGE. Mr. Chairman, I move to strike out lines 8 and 9, providing for the construction of seacoast batteries in insular possessions, \$700,000.

My purpose in making this motion is because I believe this to be the most extravagant item contained in this bill, and by far so. The facts are that if it shall be the policy to be determined by this House that this Government shall fortify what is known as our "insular possessions," it is an undertaking involving the expenditure of untold millions of dollars. How much no member of this committee knows, and no Member of this House knows. How much it will cost the War Department itself confesses it does not know, and of which it has made no estimate. The estimates provided and that were submitted to this committee for this bill were \$2,000,000, and the committee have reported \$936,000.

Now, it is apparent to the committee, and may be apparent to gentlemen of this House, that even if the full amount of the estimate had been allowed by the committee, and \$2,000,000 had been appropriated, that sum would only have begun the work of fortification of these insular points, such as Manila, Subig Bay, and other places. Now, if this would be but a beginning of the work, in view of the fact that it is unknown what it will take to complete it, why give this small sum of \$936,000 to begin a work which it practically does not begin; a work that no man knows how much it is going to cost to complete, and upon which nobody can give any information on the subject? It is simply asking for an estimate and allowing something to continue a policy that we have not fully determined upon, and nobody knows what amount of money it will take to complete.

Then, in the next place, gentlemen, I take it that every man must have some doubt as to whether or not it shall be the policy of the United States Government to continue to hold on to its insular possessions for all time to come and to fortify them and defend them as a part of the United States. I for one have had the hope, and I yet entertain the hope, that at some time in the future the United States will be able to rid herself of these possessions that have proven so far—and, in my judgment, will continue to prove—a burden and a tax upon this country and nothing more. I entertain the hope, Mr. Chairman, that we may at some time, with credit to ourselves, dispose of and dispense with our entire insular possessions. And in view of the fact that this appropriation would simply begin—in fact, would not begin—the expenditures that this Government would be compelled to make; in view of the fact that it would accomplish no good at this time; in view of the fact that no good result can be pointed out that would come from it; in view of the fact that it would fortify nothing, that it would protect nothing; that it simply commits this Government to a policy that I for one am not willing to say we shall commit ourselves to in advance of knowing what the cost will be—for

these reasons I move that this appropriation be stricken out of this bill. Hence I express the hope that this amendment may be adopted. If so, we will have taken the first step in the direction of true economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. BRUNDIDGE], to strike out lines 8 and 9.

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. BRUNDIDGE demanded a division.

The committee divided; and there were—ayes 45, yeas 38.

Mr. LITTAUER demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. BRUNDIDGE and Mr. LITTAUER.

The committee again divided; and the tellers reported—ayes 59, yeas 74.

Accordingly the amendment was rejected.

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

Mr. BAKER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. BAKER] rise?

Mr. BAKER. I rise for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. BAKER. I move to strike out all the words in lines 11 and 12, after the word "abroad." In other words, I move to strike out the words "which material shall be admitted free of duty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 11, after the word "abroad," strike out the words "which material shall be admitted free of duty."

Mr. BAKER. Mr. Chairman, I make this motion for the purpose of asking the gentleman in charge of the bill [Mr. LITTAUER] a question. Do I understand that these words have been incorporated in this bill at the request of the Administration—the Secretary of War?

Mr. LITTAUER. I believe all the Administrations since the Board of Ordnance and Fortifications has been in existence have practically recommended the same verbiage.

Mr. BAKER. This is the recommendation of the Secretary of War?

Mr. LITTAUER. Yes; of the present Secretary of War and also past ones.

Mr. BAKER. And I understand, Mr. Chairman, that the Secretary of War is a member of the Republican Administration, which advances the proposition that the foreigner pays the tax. Now, why are you going to make this present to the foreigner? If the foreigner pays the tax levied on goods brought into the United States, why does the Republican Administration, which is so assertive of its solicitude for American labor, favor the removal of this tax? Why does it not tax the foreigner? Why does it not compel the foreigner to pay that tax into the American Treasury and thus relieve the American people of so much taxation? Will the gentleman kindly answer me that question?

Mr. LITTAUER. Oh, this is not the time for that kind of a discussion.

Mr. BAKER. Oh, yes, it is. It is always the proper time when you people are shown up in the fraud of your contention that the foreigner pays the tax. [Laughter.] That is always appropriate. Now, I want to know does the Republican party yet defend the proposition that the foreigner pays the tax? And if it does, how can it consistently come here and say that it is going to remit from the foreigner the tax that they claim he pays on goods brought into the United States?

I have asked that question, but the Republican side of this House stand mute. I withdraw my amendment, Mr. Chairman.

And then, on motion of Mr. LITTAUER, the committee rose; and the Speaker having resumed the chair, Mr. BOVELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. LITTAUER. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was passed.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. DALZELL (at 1 o'clock and 45 minutes p. m.), the House, under the order previously adopted, adjourned until Monday, January 9, 1905.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for service of the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter transmitting the annual report of the Georgetown Barge, Dock, Elevator and Railway Company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Attorney-General, transmitting a copy of his report for the year 1904—to the Committee on the Judiciary.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fannie Solari, heir of Emanuel M. Solari, against The United States—to the Committee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, reported the same without amendment, accompanied by a report (No. 3230); which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15233) granting a pension to Mattie M. Hawkins—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17102) to extend the time within which actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the act of April 29, 1902—Committee on Claims discharged, and referred to the Committee on the Judiciary.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 17245) authorizing the Secretary of the Interior to sell a tract of land in the south half of the Colville Indian Reservation—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 17246) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 17247) to divide the State of Virginia into three judicial districts, and for other purposes—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 17248) to increase the limit of the appropriation for a public building at Deadwood, S. Dak.—to the Committee on Public Buildings and Grounds.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17249) to provide for a collateral inheritance tax, and for the fees, costs, and charges of the administration of the estates of decedents in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.



By Mr. GILLET of California: A bill (H. R. 17250) providing for the construction of irrigation and reclamation works in certain lakes and rivers—to the Committee on Irrigation of Arid Lands.

By Mr. BOWIE: A bill (H. R. 17251) to provide for circuit and district courts of the United States at Selma, Ala.—to the Committee on the Judiciary.

Also, a bill (H. R. 17252) concerning a public building in Selma, in the State of Alabama—to the Committee on Public Buildings and Grounds.

By Mr. HEDGE: A bill (H. R. 17253) granting an appropriation for the repair and strengthening of the Flint Creek to Iowa River levee and increase and improvement of its outlets—to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 17254) to amend section 13 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899—to the Committee on Naval Affairs.

By Mr. MAYNARD: A bill (H. R. 17255) relating to the salaries of the President and Vice-President of the United States, and for paying the President a salary after his retirement from office—to the Committee on Appropriations.

Also, a joint resolution (H. J. Res. 189) for the survey of Blackwater River, in Virginia and North Carolina—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 190) for the survey of the Warwick River, in Virginia—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 17256) granting an increase of pension to John P. Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17257) granting an increase of pension to Daniel Heinz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17258) granting a pension to Mary Duran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17259) granting a pension to Louis Bauman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17260) to correct the military record of Cornelius Hardin—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 17261) granting a pension to Mary A. Gibson—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 17262) granting an increase of pension to Jennie N. Jones—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17263) granting a pension to Taylor Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17264) for the relief of the heirs of Susan Gholson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17265) for the relief of James Barron, of Cullman County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 17266) for the relief of Isaac Chadwick, of Dekalb County, Ala.—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17267) granting an increase of pension to George Spangler—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17268) granting a pension to Ella Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17269) granting a pension to Nicholas Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17270) for the relief of Miss Lou Jahn—to the Committee on Military Affairs.

Also, a bill (H. R. 17271) directing the issue of five coupon bonds of \$100 each in lieu of lost bonds drawn in favor of James Mitchell—to the Committee on Ways and Means.

By Mr. DRAPER: A bill (H. R. 17272) granting an increase of pension to Chauncey L. Guilford—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 17273) granting an increase of pension to James J. Furlong—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 17274) granting a pension to Louis A. Lavalley—to the Committee on Invalid Pensions.

By Mr. FIELD: A bill (H. R. 17275) granting an increase of pension to Carmen Frazee—to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 17276) for the relief of the Flat Creek Baptist Church, of Pettis County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 17277) for the relief of Central College, at Fayette, Mo.—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 17278) for the relief of the heirs at law of Capt. John Lewis—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 17279) for the relief of Ashton Fletcher—to the Committee on War Claims.

By Mr. KLINE: A bill (H. R. 17280) granting an increase of pension to Ogden Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17281) granting an increase of pension to William Kress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17282) granting an increase of pension to Norman H. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17283) for the relief of Benjamin F. Simmons—to the Committee on War Claims.

By Mr. KNAPP: A bill (H. R. 17284) granting a pension to George Mottram—to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 17285) for the relief of Chester Bethel—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 17286) to remove the charge of desertion from the military record of John W. Curtis—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 17287) granting an increase of pension to Daniel G. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17288) for the relief of William Edward Bailey—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 17289) granting an increase of pension to Lydia A. Wood—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17290) granting an increase of pension to John W. Grove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17291) granting an increase of pension to John T. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17292) granting an increase of pension to John W. Diggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17293) granting an increase of pension to Joseph Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17294) granting an increase of pension to Albert G. Lovell—to the Committee on Invalid Pensions.

By Mr. PINCKNEY: A bill (H. R. 17295) granting an increase of pension to John T. Phillips—to the Committee on Pensions.

Also, a bill (H. R. 17296) granting an increase of pension to Edward J. Morriss—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 17297) granting an increase of pension to Joseph C. Prosser—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17298) for the relief of Jesse H. Dickerson—to the Committee on War Claims.

Also, a bill (H. R. 17299) for the relief of Jesse H. Dickerson—to the Committee on War Claims.

Also, a bill (H. R. 17300) granting a pension to Charles H. Penoyer—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 17301) granting an increase of pension to George B. D. Alexander—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 17302) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager—to the Committee on the District of Columbia.

By Mr. SNOOK: A bill (H. R. 17303) granting a pension to Ida M. Long—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17304) granting an increase of pension to William Dustin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17305) granting an increase of pension to James M. Caswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17306) granting an increase of pension to George Dallison—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 17307) for the relief of the heirs of Washington Dorney, of Maryland—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 17308) granting an increase of pension to William M. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17309) granting an increase of pension to Henry F. Turner—to the Committee of Invalid Pensions.

Also, a bill (H. R. 17310) granting an increase of pension to Libbie D. Lowrey—to the Committee on Pensions.

Also, a bill (H. R. 17311) granting an increase of pension to Adam W. Grassley—to the Committee on Pensions.

Also, a bill (H. R. 17312) granting a pension to Eva B. Koch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17313) granting a pension to Kittie C. Beach—to the Committee on Pensions.

Also, a bill (H. R. 17314) granting a pension to Maria Holloway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17315) granting a pension to Jane C. Van Akin—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 17316) for the relief of Samuel T. Townsend—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17317) granting an increase of pension to N. G. Heard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17318) granting an increase of pension to James M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) granting an increase of pension to Fredrick Shinaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17320) granting an increase of pension to William E. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17321) granting an increase of pension to William Clark—to the Committee on Pensions.

Also, a bill (H. R. 17322) granting an increase of pension to Marshal M. Angleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17323) granting an increase of pension to John Lemly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17324) granting an increase of pension to John Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17325) granting an increase of pension to Albert H. Noble—to the Committee on Pensions.

Also, a bill (H. R. 17326) granting a pension to Mary Ann Getting—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17327) granting a pension to James J. Sim—to the Committee on Invalid Pensions.

By Mr. YOUNG (by request): A bill (H. R. 17328) for the relief of George Nottle—to the Committee on War Claims.

Also, a bill (H. R. 17329) granting an increase of pension to Abraham Roberts—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Smith, Young & Co., of Lansing, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 8678—to the Committee on Agriculture.

By Mr. BADGER: Papers relating to pension of Tillman Gaff, of Columbus, Ohio—to the Committee on Invalid Pensions.

By Mr. BOUTELL: Petition of the Chamber of Commerce of Waycross, Ga., favoring removal of the tax on alcohol used for mechanical purposes—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of heirs of Philip Roberts, late of Grainger County, Tenn., favoring reference of war claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Stephen Gross, of Claiborne County, Tenn., favoring reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. CASTOR: Petition of citizens of Philadelphia, Pa., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Petition of the business men of Lafayette, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of shippers of Lowell, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Papers to accompany bill H. R. 17138, to increase the pension of J. Drummond—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17139, to grant an increase of pension to George W. Jennings—to the Committee on Pensions.

Also, papers to accompany bill H. R. 17137, to grant a pension to Charles W. McMullen—to the Committee on Invalid Pensions.

Also, petition of William Raubinger, proprietor of Everton Roller Mills, of Everton, Mo., and others, relating to tariff on wheat—to the Committee on Ways and Means.

Also, papers to accompany bill H. R. 15917, to increase the pension of Oliver P. Hughes—to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers supporting bill H. R. 16076, for relief of estate of Lucinda Muse Thomas—to the Committee on War Claims.

By Mr. DRAPER: Petition for legislation against unjust discrimination in tariff rates—to the Committee on Ways and Means.

By Mr. FIELD: Papers to accompany bill for increase of pension for Carmen Frazee—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of Union League Club of New York, asking investigation of working of present tariff act—to the Committee on Ways and Means.

Also, resolution of the Interstate Commerce Law Convention, favoring a law against unjust discrimination in tariff rates—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Rockford (Ill.) Manufacturers and Shippers' Association, against pooling of railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Electric Appliance Company, of Chicago, in favor of increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Republican Club of the City of New York, relative to southern representation in Congress and the electoral college—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HAMLIN: Petition of John F. Meyer & Sons et al., in support of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

By Mr. HASKINS: Petition of Division No. 106 of the Brotherhood of Locomotive Engineers, of Bellows Falls, Vt., for enactment of bill H. R. 13354, granting pensions to locomotive engineers employed in military service on railroads from 1861 to 1865—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of A. L. Heckman et al., favoring the Conner bill, for increase of postage on packages by rural free delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of Forest City Creamery Company, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLIDAY: Petition of subdivision of Division No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., favoring legislation for competent engineers—to the Committee on Interstate and Foreign Commerce.

Also, petition of subdivision of Division No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., for legislation against excessive time of work for engineers—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petition of Young People's Society of Christian Endeavor, for legislation favoring abolition of war—to the Committee on Foreign Affairs.

By Mr. JONES of Virginia: Papers to accompany bill for the relief of Ashton Fletcher—to the Committee on War Claims.

By Mr. KLINE: Petition in support of a bill granting relief to Benjamin F. Simmons—namely, two months' extra pay—to the Committee on War Claims.

By Mr. KNAPP: Papers to accompany bill granting pension to George Mottram—to the Committee on Pensions.

By Mr. LACEY: Petition for protection of Indians in Oklahoma from sale of intoxicants—to the Committee on the Territories.

Also, petition favoring Conner rural-route bill for reduction of postage on packages—to the Committee on the Post-Office and Post-Roads.

Also, petition favoring increased power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of citizens of Chicago, Ill., favoring investigation of condition in the Kongo Free State—to the Committee on Foreign Affairs.

Also, papers to accompany bill H. R. 17060—to the Committee on Pensions.

By Mr. MAYNARD: Petition of B. J. Rodgers & Co. et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON: Petition of D. L. Kluck et al., favoring legislation restricting immigration—to the Committee on Immigration.

By Mr. MOON of Tennessee: Papers to accompany bill for an increase of pension to Lydia C. Wood—to the Committee on Invalid Pensions.

By Mr. OTJEN: Papers to accompany bill for relief of George Notte—to the Committee on War Claims.

By Mr. PINCKNEY: Papers relating to increase of pension for John T. Phillips—to the Committee on Pensions.

Also, papers relative to increase of pension for Edward J. Morris—to the Committee on Pensions.

By Mr. PORTER: Petition of the Carriage Builders' Association of Wilmington, Del., favoring legislation empowering the Interstate Commerce Commission to determine freight rates—to the Committee on Interstate and Foreign Commerce.

Also, remonstrance against proposed reduction in tariff on



tobacco and cigars from the Philippine Islands—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Papers to accompany bill for relief of Joseph C. Prossler—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of John H. Caton, of Mount Pisgah, Ind.—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Carriage Builders' National Association, for legislation empowering the Interstate Commerce Commission to change freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Papers to accompany bill for relief of John Winemiller—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill for relief of Ida M. Long—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: Petition of 50 citizens of Fenton, Mich., urging legislation against polygamy—to the Committee on the Judiciary.

Also, petition of W. H. Magee, of Strohbridge, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Burnett et al., of Rose, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Hartland, Mich., against the enactment of legislation favoring the domestic parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pontiac Grange, No. 283, favoring the Grout bill—to the Committee on Agriculture.

Also, petition of Oxford Grange, No. 395, favoring the Grout bill—to the Committee on Agriculture.

Also, petition of George B. D. Alexander, for an increase of pension—to the Committee on Pensions.

By Mr. STERLING: Papers to accompany bill H. R. 16422, for the relief of Edward Cook—to the Committee on Claims.

Also, papers to accompany bill H. R. 16622, for the relief of William H. Boyle—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16621, for the relief of William Meredith—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16254, for relief of Lydia R. Howard—to the Committee on Invalid Pensions.

## SENATE.

MONDAY, January 9, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

### IRRIGATION IN CALIFORNIA AND ARIZONA.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, information relative to the use of the waters of the Lower Colorado River for the irrigation of arid lands in the State of California and the Territory of Arizona; which, with the accompanying paper, was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Mount Horeb Methodist Episcopal Church South, of Fauquier County Va., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Clayton G. Landis, administrator of the estate of David B. Landis, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of the electors for President and Vice-President for the States of Washington, New Hampshire, and South Carolina; which, with the accompanying papers, were ordered to be filed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest; and

A bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial, and for other purposes.

### PETITIONS AND MEMORIALS.

Mr. GAMBLE presented a petition of the Business Men's Club of Deadwood, S. Dak., and a petition of the Retail Implement Dealers' Association of Alexandria, S. Dak., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Woman's Christian Temperance Union of Gary, S. Dak., remonstrating against the repeal of the present anticean law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Volin, S. Dak., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented the petition of Mrs. J. A. Arbuthnot, of Brookfield Mo., and a petition of sundry citizens of Linn County, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Odell, of the Woman's Christian Temperance Union of Mount Sterling, and of sundry citizens of Chrisman, all in the State of Illinois, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Chicago, Ill., praying that an investigation be made into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. McENERY. I present a concurrent resolution of the legislature of Louisiana, favoring an appropriation for the improvement of the navigation of the Sabine River from its mouth to Logansport, in that State. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

#### House concurrent resolution No. 15.

Memorializing Congress to make appropriations for the improvement of the navigation of the Sabine River from its mouth to Logansport, La.

Whereas in the opinion of this body the Sabine River Valley and adjacent territory would be greatly benefited by the making navigable this river: Therefore, be it

Resolved by the legislature of the State of Louisiana, That the Congress of the United States is hereby memorialized in the interest of navigation, commerce, and the general welfare of the people of the Sabine River Valley to secure an appropriation for survey and improvement of said Sabine River; that our Senators and Representatives in Congress be urged to use their influence to this end: Therefore, be it

Resolved, That a copy of this resolution, duly certified, be forwarded to our Senators and Representatives in Congress.

R. H. SNYDER,

Speaker of the House of Representatives.

P. M. LAMBERMONT,

President pro tempore of the Senate.

NEWTON C. BLANCHARD,

Governor of the State of Louisiana.

Approved.

Mr. McENERY. I present a concurrent resolution of the legislature of Louisiana, favoring an appropriation to complete the construction of the locks on Bayou Plaquemine at a point where it empties into the Mississippi River. I ask that the resolution be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 6, memorializing Congress to complete the construction of the locks on Bayou Plaquemine at the point where the aforesaid bayou empties into the Mississippi River.

Whereas in the opinion of this body the Teche Valley would be greatly benefited by the completion of the locks now in the course of construction on Bayou Plaquemine near the town of Plaquemine, parish of Iberville: Therefore be it

Resolved by the legislature of the State of Louisiana, That the Congress of the United States is hereby memorialized in the interest of